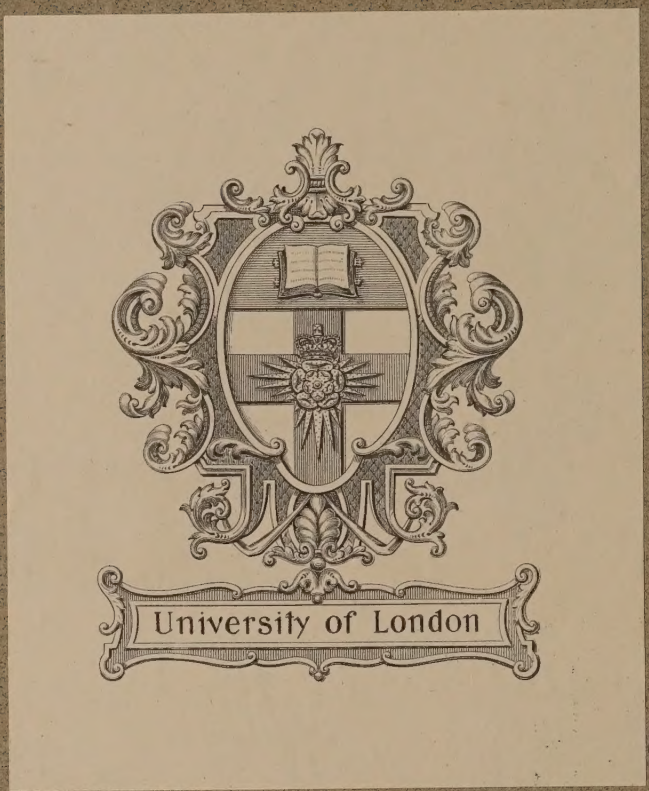
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B I L L S,

PUBLIC:

FOUR VOLUMES.

—*(3.)*—

MALT DUTY

TO

PUBLIC OFFICES (SITE AND APPROACHES).

Session

7 *February* —— 6 *July* 1865.

VOL. III.

1865.

BILLS:

1865.

FOUR VOLUMES:—CONTENTS OF THE

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A

B I L L

TO

Allow the charging of the Excise Duty on Malt according to the Weight of the Grain used.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

1. This Act shall (except where otherwise expressly enacted) commence and take effect on the *First* Day of *October One thousand eight hundred and sixty-five.*

Maltster entitled to have the Duty upon Malt made by him charged according to the Weight of the Grain used.

2. Any Maltster who shall desire to have the Duty payable upon Malt made by him charged according to the Weight of the Corn or Grain used in the making of such Malt under the Provisions of this Act shall give Notice in Writing of such his Desire to the Officer of Excise under whose Survey he shall be, and upon his complying with the Provisions of this Act in other respects he shall be entitled to have the Duty charged accordingly in respect of any Corn or Grain which he shall wet or steep at any Time and from Time to Time after the Expiration of *Four clear Days* from the giving of such Notice: Provided always, that if the Maltster who shall have given such Notice shall not begin to make, or shall discontinue making, Malt to be charged with Duty under the Provisions of this

Act for the Space of *One Calendar Month*, the Notice given by him shall be of no further Avail, and he shall not be entitled to the Privilege of having the Duty on Malt made by him charged under the Provisions of this Act until after he shall have given a fresh Notice in the Manner herein-before required.

Cover to be affixed to Cistern.

3. Every Maltster who shall have given such Notice as aforesaid shall, before he shall place any Corn or Grain in any Cistern for the Purpose of being made into Malt to be charged with Duty under the Provisions of this Act, provide and affix to such Cistern a proper and secure Cover, with proper Fastenings, to the Satisfaction of the Supervisor of Excise, or any other Officer of Excise of superior Rank to a Supervisor; and such Cover shall, when there shall be any Corn or Grain in such Cistern, be kept locked and secured by the Officers of Excise during such Period of Time as the Commissioners of Inland Revenue shall by their Regulation or Order direct in that Behalf; and no Maltster shall, after such Cover shall have been locked and secured as aforesaid, open, remove, or damage such Cover, or obtain Access to the Corn or Grain in such Cistern.

Notice to be given of the steeping of Grain.

4. The Maltster shall give *Forty-eight Hours* Notice in Writing to the Officer of Excise under whose Survey he shall be of the Day and Hour when he intends to steep Corn or Grain to be made into Malt under the Provisions of this Act; and in such Notice the Maltster shall specify the Day and the particular Hour when he intends to place the Corn or Grain in the Cistern (which Hour shall not be later than *Twelve o' Clock* at Noon of the Day preceding the Day on which it is intended to steep such Corn or Grain); and if any Notice shall be given contrary hereto, or if the whole of the Corn or Grain shall not be steeped within *Three Hours*, or placed in the Cistern within *One Hour*, after the respective Times mentioned in any Notice in that Behalf, such Notice shall be null and void.

Declaration to be given of the Weight of Grain to be steeped.

5. The Maltster, or his chief Workman or Servant, shall, immediately after the Corn or Grain shall have been placed in the Cistern for the Purpose of being made into Malt under the Provisions of this Act, fill up and sign a Declaration in Writing, stating the true Weight per Bushel of the Corn or Grain so intended to be made into Malt as aforesaid; and such Declaration shall be delivered by the said Maltster, or his chief Workman or Servant, to the Officer of Excise on his First Visit after the Corn or Grain shall have been placed in the Cistern as aforesaid; and no other or different Corn or Grain shall be substituted for the Corn or Grain, or any Part thereof, which shall have been placed in any Cistern for the Purpose of being made into Malt under the Provisions

Provisions of this Act after the same shall have been taken Account of by any Officer of Excise.

Mode of ascertaining Weight of Grain.

6. After any Corn or Grain shall have been placed in the Cistern the Weight thereof shall be ascertained by any Officer of Excise, who shall take a Sample or Samples of such Corn or Grain before any Water shall be added thereto; and the Weight of a Bushel of the Corn or Grain so taken as a Sample or Samples as aforesaid, after the same shall have been screened and cleaned (if the Officer shall think fit to require such screening and cleaning), shall be deemed to be the Weight per Bushel of the whole of the Corn or Grain in the Cistern: Provided that if in the Weight of the Sample Bushel there shall be a Fraction of a Pound amounting to One Half or upwards, such Fraction shall be reckoned as an entire Pound, but no Account shall be taken of any Fraction less than Half a Pound.

Mode of calculating Duty on Malt when charged according to Weight.

7. For the Purpose of calculating and charging the Duty upon Malt made under the Provisions of this Act, a measured Bushel of dry Corn or Grain of the Weight of Pounds Avoirdupois shall, for the Purposes of this Act, be deemed to be the standard Quantity and Quality on which the Amount of Duty payable upon a Bushel of Malt is chargeable; and in order to ascertain the Number of Bushels to be charged on any steeping of Corn or Grain to be made into Malt, the Quantity shall first be calculated by Gauge according to the existing Laws and Regulations in that Behalf, and such Quantity shall then be multiplied by the Number of Pounds which the Sample Bushel taken from such Corn or Grain in the Manner directed by this Act shall be found to weigh, and the Product be divided by , and the Quotient of such Division shall be deemed to be the Quantity upon which the Duty shall be charged: Provided that if no Sample Bushel of the Corn or Grain shall have been taken as herein-before directed, then the Quantity of Malt, when calculated by Gauge as aforesaid, shall be multiplied by the Weight of a Bushel of the Corn or Grain as declared by the Maltster, his Workman or Servant, and the Product be divided as aforesaid.

Maltster to provide Scales and Weights and Bushel Measure.

8. The Maltster shall provide and keep proper and correct Scales and Weights, and a correct Bushel Measure, to the Satisfaction of the Supervisor of Excise of the District in which the Malthouse is situated, for the Purpose of weighing and measuring Corn and Grain to be made into Malt under the Provisions of this Act; and such Scales and Weights and Measure shall at all Times be kept in the Malthouse, and such Maltster and his Servants shall allow

any Officer of Excise to use the same, and shall also, upon Request, render to any such Officer who shall be desirous of weighing or measuring such Corn or Grain, or any Part thereof, such Assistance as the said Officer shall require.

Officer may weigh any Grain in the Malthouse of a Maltster making Malt under the Provisions of this Act.

9. It shall be lawful for any Supervisor of Excise, or any other Officer of Excise of superior Rank to a Supervisor, to measure and weigh any Corn or Grain in the Malthouse of any Maltster who shall make Malt under the Provisions of this Act, and for that Purpose to use the Weights and Scales and Bushel Measure belonging to such Maltster; and the Maltster and his Workmen or Servants shall, when requested by any such Supervisor or other Officer as aforesaid, render to them respectively such Assistance as they may require in measuring and weighing such Corn or Grain.

Penalty where the Weight of Grain shall exceed declared Weight.

10. If after any Corn or Grain shall have been placed in the Cistern for the Purpose of being made into Malt under the Provisions of this Act, and before the wetting thereof the Weight of a Bushel of such Corn or Grain (screened and cleaned as aforesaid, if the Officer shall require it) shall be found by any Officer of Excise to be in excess of the Weight declared by the Maltster or his chief Workman or Servant by such Declaration as aforesaid in a greater Proportion than Two Pounds Avoirdupois per Bushel, the Maltster shall forfeit the Sum of *One hundred Pounds.*

Penalty for Offences against this Act.

11. If any Act, Matter, or Thing by this Act required or directed to be done or performed by any Maltster or his Workman or Servant shall be omitted or neglected or refused to be done or performed by them respectively, or if any Act, Matter, or Thing prohibited by this Act shall be done or permitted by any Maltster or his Workman or Servant, the Maltster shall in every such Case forfeit the Sum of *One hundred Pounds* over and above any other Penalty or Penalties to which he may be subject under any other Act now in force.

Repeal of so much of 23 & 24 Vict. c. 113. s. 28. as restricts the Weight of Malt to be exported, and substituting fresh Provision.

12. The Condition numbered "Three" in the Twenty-eighth Section of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and thirteen, is hereby repealed; and no Malt shall be exported on Drawback which, after having been screened and cleaned as directed in the said Section, shall be of less Weight than *Thirty-six Pounds* or of greater Weight than *Forty-four Pounds* Avoirdupois per Bushel; and the Amount of Drawback allowed by Law upon the Exportation of Malt shall be calculated in the following Manner; (that is to say,) when the Malt is of not less Weight than *Thirty-six Pounds* nor more than *Thirty-*

Thirty-nine Pounds Avoirdupois per Bushel, the Amount of Drawback allowable by Law upon a Bushel of Malt shall be allowed and paid in respect of every *Forty Pounds* Avoirdupois of the Malt exported; and when the Malt shall weigh *Forty Pounds* Avoirdupois or upwards per Bushel, the Drawback shall be allowed and paid according to the Quantity ascertained by Measure as heretofore; subject, however, in either Case, to the Deduction of Seven and a Half per Centum upon the Quantity ascertained, as directed by the Thirtieth Section of the above-mentioned Act.

12 G. 1. c. 4. ss. 48 to 59, and 3 G. 4. c. 18. ss. 12 to 16, and 18 & 19, relating to the Exportation of Malt on Drawback, repealed.

13. The several Portions of Acts herein-after mentioned relating to the making of Malt for Exportation, and the Exportation of Malt, shall be and the same are hereby repealed, save and except as to any Malt made for Exportation before the Commencement of this Act; (that is to say,) Sections Forty-eight to Fifty-nine, both inclusive, of the Act passed in the Twelfth Year of the Reign of King George the First, Chapter Four, and Sections Twelve to Sixteen, both inclusive, and Sections Eighteen and Nineteen, of an Act passed in the Third Year of the Reign of King George the Fourth, Chapter Eighteen.

Repeal of Acts imposing a separate Duty on Malt made from Bear or Bigg in Scotland and Ireland.

14. The following Acts and Part of an Act relating to the Duties chargeable upon Malt made from Bear or Bigg for Home Consumption in Scotland and Ireland respectively, (that is to say,) an Act passed in the Third Year of the Reign of King George the Fourth, Chapter Thirty, an Act passed in the Eleventh Year of the same Reign, Chapter Thirty-one, and so much of an Act passed in the Sixth Year of the same Reign, Chapter Fifty-eight, as imposed a separate Duty upon Malt made from Bear or Bigg only in Scotland for Consumption in Scotland, shall be and the same are and is hereby repealed, save and except as to any Malt made from Bear or Bigg only before the Commencement of this Act: Provided always, that all Malt made after the Commencement of this Act from Bear or Bigg shall be liable to and shall be charged with the same Duties as are payable by Law upon Malt made from Barley or any other Corn or Grain.

Not to repeal Provisions of other Malt Acts.

15. Nothing in this Act shall be deemed to repeal, alter, or affect any of the Provisions contained in any Act now in force relating to the Manufacture of Malt, or the Duties imposed thereon, save and except so far as such Provisions shall be specially repealed or altered by or be repugnant to the Provisions of this Act.

A

BILL

To allow the charging of the Excise Duty on Malt according to the Weight of the Grain used.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Peel*).

Ordered, by The House of Commons, *to be Printed*, 19 *May* 1865.

[Bill 160.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Eastbury, in the Parish of Lamborne in the County of Berks.

WHEREAS the Church or Chapel known as Saint James-the-Greater in the Tithing or Hamlet of Eastbury in the County of Berks and Diocese of Oxford is a Chapel of Ease to the Parish Church of Lamborne aforesaid, and was on the Twelfth Day of April One thousand eight hundred and fifty-three duly consecrated for the Performance of Divine Service, but no Authority hath ever been given by the Bishop of the said Diocese or otherwise for the Publication of Banns and Solemnization of Marriages therein: And whereas divers Marriages have nevertheless been solemnized in the said Church or Chapel, under an erroneous Impression on the Part of the Minister thereof, that, by virtue of the Consecration of the said Church or Chapel, or otherwise, Marriages might be lawfully solemnized therein, and Entries of the said Marriages so solemnized have from Time to Time been made in the Register Books kept either at the said Church or Chapel or at the Parish Church of Lamborne aforesaid: Preamble.

said: And whereas it is expedient, under the Circumstances aforesaid, to remove all Doubts touching the Validity of the Marriages so solemnized in the said Church or Chapel: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Marriages heretofore solemnized in Chapel of St. James-the-Greater to be as valid as those in Lamborne Church.

1. All Marriages heretofore solemnized in the said Church or Chapel, by the Officiating Minister thereof or by any other Clergyman, respectively being duly ordained Ministers of the Church of England, and the Publication of Banns in such Church or Chapel by such Minister or Clergyman, previous to any such Marriages, shall be and be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of Lamborne aforesaid.

Minister officiating not liable to Censure.

2. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his having so solemnized the same respectively.

Registers of such Marriages to be Evidence.

3. The Registers of the Marriages so solemnized, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as Registers of Marriages in Parish Churches, or Copies thereof, are by Law receivable in Evidence.

Marriages (Lamborne).

A

B I L L

INTITULED

An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Eastbury, in the Parish of Lamborne in the County of Berks.

(*Brought from the Lords* 18 *May* 1865.)

Ordered, by The House of Commons, *to be Printed*, 23 *June* 1865.

[Bill 237.]

Under 1 *oz.*

A

BILL

TO

Provide for the Security of Property of Married Women separated from their Husbands in Ireland.

WHEREAS certain Provisions have been made for the Protection of the Property of Married Women separated from their Husbands in England, and it is expedient to extend the same to Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. A Wife deserted by her Husband in Ireland may at any Time after such Desertion, if resident within the Police District of Dublin, apply to a Police Magistrate, or if resident in the Country to Justices in Petty Sessions, or in either Case to a Judge of the Court of Common Pleas sitting in Chambers, for an Order to protect any Money or Property she may acquire by her own lawful Industry, and Property which she may become possessed of after such Desertion, against her Husband or his Creditors, or any Person claiming under him; and such Magistrate or Justices or Judge, if satisfied of the Fact of such Desertion, and that the same was 20 & 21 Vict. c. 85. s. 21. 27 & 28 Vict. c. 44. s. 1.

 without

without reasonable Cause, and that the Wife is maintaining herself by her own Industry or Property, may make and give to the Wife an Order protecting her Earnings and Property acquired since the Commencement of such Desertion from her Husband, and all Creditors and Persons claiming under him, and such Earnings and Property shall belong to the Wife as if she were a Feme Sole: Provided always, that every such Order, if made by a Police Magistrate or Justices at Petty Sessions, shall, within *Ten Days* from the making thereof, be entered with the Clerk of the Peace of the County within which the Wife is resident; and that it shall be lawful for the Husband, and any Creditor or other Person claiming under him, to apply to the same Judge, or any other Judge of the Court, or to the Magistrate or Justices by whom such Order was made, or for the Time being acting instead of or as Successors to the same, for the Discharge thereof: Provided also, that if the Husband, or any Creditor or other Person claiming under the Husband, shall seize or continue to hold any Property of the Wife after Notice of any such Order, he shall be liable, at the Suit of the Wife (which she is hereby empowered to bring), to restore the specific Property, and also for a Sum equal to double the Value of the Property so seized or held after such Notice as aforesaid: If any such Order of Protection be made, the Wife shall, during the Continuance thereof, be and be deemed to have been during such Desertion of her in the like Position in all respects with regard to Property, and Courtesy, and suing and being sued, as she would be under this Act if she obtained a Decree of Divorce à Mensâ et Thoro.

20 & 21 Vict. c. 85. s. 25.

2. In every Case of a Divorce à Mensâ et Thoro the Wife shall, from the Date of the Sentence, and whilst the Separation shall continue, be considered as a Feme Sole with respect to Property of any Description which she may acquire or which may come to or devolve on her, and such Property may be disposed of by her in all respects as a Feme Sole, and on her Decease the same shall, in case she shall die intestate, go as the same would have gone if her Husband had been then dead: Provided that if any such Wife should again cohabit with her Husband, all such Property as she may be entitled to when such Cohabitation shall take place shall be held to her separate Use, subject, however, to any Agreement in Writing made between herself and her Husband whilst separate.

20 & 21 Vict c. 85. s. 26.

3. In every Case of Divorce à Mensâ et Thoro the Wife shall, whilst so separated, be considered as a Feme Sole for the Purposes of Contract, and Wrongs and Injuries, and suing and being sued in any Civil Proceeding, and her Husband shall not be liable in respect

respect of any Engagement or Contract she may have entered into, or for any wrongful Act or Omission by her, or for any Costs she may incur as Plaintiff or Defendant: Provided that where upon any such Divorce Alimony has been decreed or ordered to be paid to the Wife, and the same shall not be duly paid by the Husband, he shall be liable for Necessaries supplied for her Use: Provided that nothing shall prevent the Wife from joining at any Time during such Separation in the Exercise of any joint Power given to herself and her Husband.

4. Every Decree or Order for Alimony and Costs by any Court in Ireland having Authority for that Purpose may be enforced in the same Manner as if the said Decree or Order was a Judgment or Order of One of the Superior Courts of Law in Ireland.

Married Women's Property (Ireland).

A

BILL

To provide for the Security of Property of Married Women separated from their Husbands in Ireland.

(*Prepared and brought in by Mr. Longfield, Sir Colman O'Loghlen, and Mr. Leader.*)

Ordered by The House of Commons, *to be Printed*, 8 *March* 1865.

[Bill 60.]

Under 1 *oz.*

A

B I L L

TO

Improve and facilitate the Trial of Disputes relating to Merchant Shipping.

WHEREAS it is expedient to improve and facilitate the Trial of Disputes relating to Merchant Shipping: And to authorize the Establishment of Local Courts in England and Wales for that Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited as "The Merchant Shipping Local Courts Act, 1865." Short Title.

2. This Act shall commence from and immediately after the *First Day of January One thousand eight hundred and sixty-six.* Commencement.

3. In this Act— Interpretation Clause.

The Term "the Court" means the President and Two or more Assessors, as provided by this Act, unless a different Meaning is clearly assigned to it by the Context:

The Term "the President" means the Officer for the Time being authorized and empowered to hold and preside over the Courts constituted by this Act.

Act to be put in force within such Districts as to Her Majesty, with Advice of Privy Council, shall seem fit.

4. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to order that this Act shall be put in force in such of the existing County Court Districts as to Her Majesty, with the Advice aforesaid, from Time to Time shall seem fit; and this Act shall extend to those County Court Districts concerning which any such Order shall have been made, and not otherwise or elsewhere: Provided always, that no Court shall be established under this Act in any County Court District containing, according to the last preceding Census, a less Number than *Fifty thousand* Inhabitants, but any such last-mentioned District may, by a like Order in Council, and for the Purposes of this Act, be joined to any other of the existing County Court Districts, and such United District shall be considered One District for the Purposes of this Act.

Any Order in Council made for the Purposes of this Act shall be published in the London Gazette.

Officers of the Court.

5. Each of the Courts constituted by this Act shall have and consist of the several Officers next herein-after mentioned; namely,

1. A President;
2. Assessors in the Proportions following; namely, for Districts containing Fifty thousand Inhabitants and upwards, *Six* Assessors; One hundred thousand and upwards, *Twelve* Assessors; Two hundred thousand and upwards, *Eighteen* Assessors;
3. A Clerk;
4. A Treasurer;
5. A Marshal and Assistants; and
6. An Usher.

Qualification of President.

6. The Lord Chancellor may from Time to Time appoint any Judge of a County Court, or any Commissioner of any District Court of Bankruptcy, or any Stipendiary Magistrate, who at the Time of such Appointment shall respectively have Jurisdiction within any Part of the District concerning which any such Order shall have been made, to act as President of any Court constituted by this Act; and after such Appointment shall have been made, it shall be deemed Part of the Public Duties of such Judge of a County Court, or Commissioner of any District Court of Bankruptcy, or Stipendiary Magistrate, to preside over any Courts constituted by this Act as the Lord Chancellor may direct.

Assessors, how chosen.

7. The Town Council of the Borough within or nearest to which the Sittings of the Court are appointed to be held shall, at Special Meetings

Meetings of the Councils to be convened for the Purpose, nominate the proper Number of such Persons as they may deem eligible for the Office of Assessors, and shall submit the Names of such Persons to the Lord Chancellor for Approval, and on such Approval being obtained the Persons nominated and approved of shall be considered as having been duly elected, but not more than *One Third* of the Number of Assessors required in any One District shall be nominated by the Town Councils in such District from their own Bodies.

Qualification of Assessors.

8. No Person shall be deemed eligible for the Office of Assessor under this Act who shall not have been for at least Seven Years in Business as a Merchant, a Manufacturer, or a Shipowner, or who shall at any Time have taken the Benefit of the Acts relating to Bankruptcy or Insolvency. And all Persons for the Time being holding the Appointment of Assessors under this Act shall be exempt from serving on Juries for any County, City, or Borough.

Term of Office of Assessors.

9. At the First Election of Assessors under this Act, One Third of the Number of Assessors shall be appointed for Three Years, One Third for Two Years, and the remaining One Third for One Year; but any Assessor may be removed from Office by the Lord Chancellor for Misconduct in his Office, or other sufficient Cause; and Assessors shall be eligible for Re-election at the Expiration of their Term of Office.

Death or Removal of Assessors.

10. In case of the Death or Removal from Office of any Assessor from any Cause, another Person may be appointed in like Manner as before directed to supply his Place, but his Term of Office shall not exceed that of the Assessor so deceased or removed.

Assessors not to receive Salaries, &c.

11. It shall not be lawful for any Assessor appointed under this Act to have, take, or receive any Salary, Fee, or Emolument whatsoever for or in respect of his said Office, and any Assessor who shall have, take, or receive any such Salary, Fee, or Emolument as aforesaid shall and may be forthwith dismissed from his said Office, and shall be ineligible for Re-election thereto, or to any other Office or Employment in and about any Court under this Act.

Assessors how summoned and Attendance enforced.

12. The Assessors shall be summoned in Rotation by the Marshal; and if any Assessor be duly summoned, and fail to attend the Court in obedience to the Summons without lawful Excuse, and no other Assessor be present in Court to officiate in his Place, and the Proceedings be thereby adjourned, then the Assessor so in default shall pay a Fine, in the Discretion of the President, not exceeding *Five Pounds*.

 13. The

Salaries to be paid out of Fees.

13. The Treasurer of the Court shall receive, at such Times as the Court may order, all Sums received as Fees by the Clerk and other Officers of the Court, and shall thereout pay, under the Direction of the Court, the Salaries and other Remuneration of himself, the Clerk and other Officers of the Court.

Clerk of the Court.

14. The Clerk of the Court shall be an Attorney or Solicitor, of not less than *Five Years* standing, and shall retain his Office for Life, or during good Behaviour, but shall be liable to Removal at the Discretion of the President and a Majority of the Assessors for the District, but such Removal, if for Incompetency alone, shall be subject to Confirmation by the Lord Chancellor.

Appointments of Officers.

15. The Clerk of the Court, the Treasurer, the Marshal and his Assistants, and the Usher shall be appointed by the President and the said Marshal and Assistants and the Usher shall hold Office during good Behaviour.

Salaries.

16. The Salaries of the Clerk of the Court, the Treasurer, the Marshal, and other Officers shall be fixed by the President and a Majority of the Assessors in each District, and paid quarterly by the Treasurer of the Court out of the Fees in his Custody, and in case such Fees shall on the whole not amount to the total Amount of the Salaries so fixed, the Remuneration to each of the said Officers shall abate rateably in proportion to the Amount of the Salaries so fixed.

Duties of Clerk of the Court and other Officers, and Fees, to be defined and fixed by Rules and Orders.

17. The Duties of the Clerk of the Court and other Officers (except the President and Assessors), and the Fees to be paid by the Suitors, shall be defined by General Rules and Orders to be made in pursuance of this Act.

Jurisdiction of the Court.

18. Each Court shall have and exercise within its District all the Powers of the High Court of Admiralty of England, so far as the same are consistent with this Act, and shall have concurrent Jurisdiction therewith; but nothing in this Act shall be construed to exclude the Jurisdiction of the High Court of Admiralty where the Amount in dispute shall exceed *Fifty Pounds*. The Judgment of the Court shall be final and conclusive between the Parties in all Cases where the Amount recovered shall not exceed *Fifty Pounds*, and no Appeal shall lie therefrom. Each Court shall also have and exercise exclusively within its District all the Powers of the County Courts in Cases of Claims for Freight, Demurrage, Average, Marine Insurance, Towage, Pilotage, Necessaries supplied to Ships, Cash advanced for the Use of Ships, and in all Claims for Building,

Building, Selling, or Employment of Ships, or the Wages or Disbursements of Masters or Seamen, and in all Cases of Disputes or Differences between Masters and Owners of Ships, or relating to Ships or their Cargoes whether British or Foreign, and whether such Disputes are of a legal or an equitable Nature, but such Jurisdiction shall be subject to all the Provisions contained in §§ 59, 74, 75, and 77 of 9 & 10 Vict. c. 95.

Where Actions, &c. to be commenced.

19. All Proceedings in Courts under this Act shall be commenced in the Court of the District where the Plaintiff or Defendant, or One of the Plaintiffs or Defendants, resides or carries on Business, or in the Court of the District where the Property in dispute may be at the Time when Proceedings are commenced.

Objection to Jurisdiction.

20. A Defendant shall not be permitted to object to the Jurisdiction of the Court otherwise than by Plea.

Averment of Jurisdiction unnecessary.

21. A Pleading shall not be deemed insufficient for not containing an Averment that any Matter therein pleaded arose within the Jurisdiction of the Court.

Certiorari, &c. only on Security for Costs.

22. Any Action brought in the Court shall not be removed by Certiorari or otherwise into the High Court of Admiralty or any of the Superior Courts of Common Law at Westminster, unless the Amount claimed or in Dispute shall exceed *Fifty Pounds*, and the Party seeking to remove the same first give Security, to the Satisfaction of the Clerk of the Court, for the Costs consequent upon such Removal.

Service of Summonses out of the Jurisdiction.

23. The Court may, if it thinks fit, in any Case where it satisfactorily appears by Affidavit that the Cause of Action arose within the Jurisdiction of the Court, order that the Summons may be served in any Part of England or Wales; and the Service of a Writ in pursuance of such Order, such Service being accompanied by Service of a Copy of the Order, shall be as valid as if the same Writ had been served within the Jurisdiction of the Court.

Special Case for Opinion of Superior Courts.

24. For enabling Parties to Proceedings in the Court to obtain the Opinion of a Superior Court of Law, the following Provisions shall have Effect; namely,

1. The Parties in any Action or Suit may, by Consent and by Order of the Court, state the Facts of the Case in the Form of a Special Case for the Opinion of any One of the Superior Courts of Law at Westminster, or of any One or more of the Judges thereof, and may agree that a Judgment shall

shall be entered for the Plaintiff or Defendant as such Superior Court or Judge or Judges may think fit:

2. The Clerk of the Court shall send the Special Case (the same being first sealed with the Seal of the Court) to the Rule Department of the Master's Office of the Superior Court for the Opinion of which the Case is stated, and thereupon all such Proceedings and Rules shall be taken and observed in the Superior Court as are usual with reference to Cases stated for the Opinion of such Superior Court in Actions pending therein:

3. The Clerk of the Court, on the Production of an Office Copy of the Rule of the Superior Court made on the Hearing of the Special Case, shall enter Judgment in the Court in conformity with the Decision of the Superior Court.

Appeal to Superior Courts in Cases of 50*l.* or upwards.

25. In any Action wherein the Amount of the Debt or Damages sued for, or the Amount in Dispute, is *Fifty Pounds* or upwards, if either Party is dissatisfied with the Determination or Direction of the Court in point of Law, or on the Admission or Rejection of Evidence, he may appeal therefrom to the High Court of Admiralty of England, or to any of the Superior Courts of Common Law at Westminster, or to One or more of the Judges thereof sitting out of Term as a Court of Appeal, subject and according to the following Provisions; namely,

1. The Appellant shall, within Ten Days after the Determination or Direction appealed from is made or given (exclusive of the Day on which the same is made or given), give Notice of Appeal to the other Party or his Attorney:

2. Such Notice of Appeal shall be in Writing, stating the Grounds on which the Appeal is brought, and signed by the Appellant or his Attorney:

3. A Duplicate of such Notice shall be delivered by the Appellant or his Attorney to the Clerk of the Court within the said Period of *Ten Days:*

4. The Appellant shall also give Security, by Bond or Deposit of Money (approved by the Clerk of the Court), for the Costs of the Appeal:

5. Where the Appellant is the Defendant he shall also give Security in manner aforesaid for the Amount of the Judgment, unless the President has ordered him to pay that Amount into Court, and he has paid the same accordingly:

6. If in any Case, before Notice of Appeal delivered to the Clerk of the Court, Execution has issued and been executed, but the Amount levied has not been paid over to the successful

cessful Party, the same shall remain in Court to abide the Result of the Appeal or the further Order of the Court; and where the Appellant is the Defendant the same shall be in lieu of Security to be given by him for the Amount of the Judgment wholly or in part according to the Amount of the same in Court, and after Deduction therefrom of the Amount of the Costs ordered to be paid into Court, and of the Costs of Execution and Security for the Difference only (if any), shall be required from the Appellant:

7. Nothing in the present Section relative to the giving of Security, either for Costs or for the Amount of the Judgment, shall apply where the Amount of the Debt or Damages sued for or the Amount in Dispute is *Fifty Pounds* or upwards, except where the Appellant is a Person domiciled out of England and Wales.

Procedure in Appeals.

26. For regulating the Proceedings on Appeals under this Act the following Provisions shall have Effect; namely,

1. Every such Appeal shall be in the Form of Case, which shall be agreed on by the Parties or their respective Attornies; and if they cannot agree, the President, upon the Application of the Parties or their respective Attorneys, made within *Twenty-one* Days after the Determination or Direction appealed from is made or given (exclusive of the Day on which the same is made and given), shall settle the Case; and the President shall in all Cases sign the Case:
2. Every Case agreed on shall (unless the President otherwise order) be submitted to him for Signature within the said Period of *Twenty-one* Days, and every Case shall be signed by the President and sealed with the Seal of the Court in Quadruplicate:
3. One Copy of the Case shall be deposited with and shall be kept by the Clerk of the Court:
4. Another Copy thereof shall be sent by the Appellant to the successful Party or his Attorney within *Three* clear Days after the Case has been signed and sealed, and in default thereof the successful Party may proceed on the Judgment unless the President otherwise order:
5. The Plaintiff shall, within the said Period of *Three Days*, transmit the remaining Two Copies of the Case by Post or otherwise to the Rule Officer of the Court to which the Appeal is brought, and shall within the same Period give Notice of such Transmission to the successful Party or his Attorney; and in default thereof the successful Party may proceed on the Judgment, and in that Case shall, on Application to the

Court, be entitled to an Order for such Costs as he has incurred in consequence of the Proceedings in relation to the Appeal, which Costs shall be added to the Amount of the Judgment, and may be recovered accordingly :

6. If, after the Case has been so transmitted, the Appellant does not prosecute his Appeal with due Diligence, according to the Practice of the Court in which the Appeal is brought, the successful Party may apply to the President for Leave to proceed on the Judgment, and Leave for that Purpose may be granted accordingly, if the President thinks fit, and in that Case the successful Party shall also be entitled to an Order for such Costs as he has incurred in consequence of the Proceedings in relation to the Appeal, which Costs shall be added to the Amount of the Judgment, and may be recovered accordingly.

Arrest of Foreign Ships, &c.

27. With respect to any Dispute relative to any such Matter as is described in the Eighteenth Section, where the Dispute relates to a Claim made upon or against the Owner or Master of any Foreign Ship or Vessel, or the Owner of the Cargo thereof, the following further Provisions shall have effect ; namely,

1. The Clerk of the Court, on the ex-parte Application of the Claimant or any of the Claimants, or his or their Attorney, and on Production of an Affidavit by or on behalf of him or them, setting forth the Nature and Amount of the Claim, may issue a Warrant for the Arrest of such Foreign Ship or Vessel, and of the Cargo (if any) on board thereof :
2. Every such Warrant shall be directed to the Marshal of the Court, and shall be executed by him or some of his Assistants, who (subject to the Orders of the Court) shall safely hold every Ship or Vessel and Cargo so arrested until final Judgment in respect of the Dispute has been signed, and Execution (if any) has been issued and levied, or until the Owner or Master of the arrested Ship or Vessel, or the Owner of the Cargo, has given Security to the Claimants, by Bond or Deposit of Money to the Satisfaction of the Clerk of the Court, for the Amount of the Claim and the Claimant's Costs of Suit :
3. The Costs of and incident to the issuing and Execution of any such Warrant of Arrest, and of the holding Possession of any Ship or Vessel or Cargo so arrested, and the Costs of the Security, shall be Costs in the Cause.

Power to President to

28. Subject to the Provisions of this Act the Powers of making Rules, and of framing Writs and Forms, conferred by Sections 223, 224,

224, and 225 of the "Common Law Procedure Act, 1852," on the Authorities therein described, may be exercised from Time to Time with respect to Courts under this Act by the President, with the Approbation of the Judge of the High Court of Admiralty and a Judge of One of the Superior Courts of Common Law at Westminster. make General Rules, &c.

29. The Judge of the High Court of Admiralty, and One of the Judges of the Superior Courts of Common Law at Westminster, with, in either Case, the President and Five of the Assessors of the Courts constituted under this Act, shall frame General Rules and Orders for regulating the Practice and Procedure of the said last-mentioned Courts, and shall also from Time to Time alter, vary, and amend the same as Occasion may be and require, and shall also append to the said Rules and Orders a Table of Fees and Costs to be allowed and taken in respect of all Proceedings in the said last-mentioned Courts. Rules and Orders.

30. The Judgment of the Courts shall be given as follows: The President and each of the Assessors present upon and taking part in the Hearing of any Case shall state whether, in his Opinion, the Judgment of the Court should be for the Plaintiff or Defendant, or whether the Action should be dismissed, each Party paying his own Costs, or how otherwise, and the Clerk of the Court shall make a Minute thereof, and the President shall give Judgment according to the Opinions of the Majority of the Court, but if the Court are equally divided in Opinion then the President shall have a Casting Vote, and give Judgment accordingly, and the Clerk of the Court shall record the same. Judgment, how given.

31. In urgent Cases, and when Delay might be prejudicial, the Court may, upon the Application of the Party in whose Favour Judgment shall have been recorded, order the provisional Arrest or Sequestration of the Object or Amount so adjudicated or awarded, notwithstanding that an Appeal might thereafter be lodged against the said Judgment. Provisional Arrest.

32. The Courts under this Act shall sit in such convenient Places within the District and at such Times as the President and Assessors may appoint, and due Notice shall be given of such Sittings in such Manner as General Orders shall provide, and to be convened at *Twenty-four* Hours Notice. Sittings of the Court.

33. In case of Illness or unavoidable Absence, the Cause whereof shall be entered on the Minutes of the Court, it shall be lawful for the President, or, in the Case of his inability to make such Appointment, Power to appoint Deputy President.

for the Lord Chancellor, or where the whole of the District is within the Duchy of Lancaster, for the Chancellor of the Duchy, to appoint some other Person, who shall be a Judge of some other County Court District, or who shall have practised as a Barrister-at-Law for at least *Five Years*, to act as the Deputy of such President during such Illness or unavoidable Absence; and it shall also be lawful for the President, with the Approval of the said Lord Chancellor or Chancellor of the Duchy, to appoint a Deputy, who shall have practised as a Barrister-at-Law for at least *Five Years*, to act for him for any Time or Times not exceeding in the whole *Two Calendar Months* in any consecutive Period of Twelve Calendar Months; and every Deputy so appointed, during the Time for which he shall be so appointed, shall have all the Powers and Privileges and perform all the Duties of the President for whom he shall have been so appointed.

Seal of Court.

34. Each Court shall have a Seal for Authentication of all Documents and Copies of Documents proceeding therefrom, and each Seal shall be inscribed with the Name or Number of its appropriate District, and shall be kept in the Custody of the Clerk of the Court.

President qualified to act as Justice of the Peace.

35. The President may and shall act in the Execution of the Office of Justice of the Peace for any County, or Part of County, or for any Borough comprised in the District, although he may not have such Qualification, by Estate or Interest in Lands, Tenements, and Hereditaments, as is required by Law in the Case of other Persons being Justices of the Peace for a County or Borough, provided that he be not disqualified by Law to act as a Justice of the Peace for any other Cause or upon any other Occasion than in respect of the Want of such an Estate or Interest as aforesaid.

Powers of President.

36. The President shall, when presiding in the Court, have all the Powers of granting new Trials and entering Verdicts or Nonsuits, as are for the Time being had by a Superior Court of Law at Westminster, and subject to the like Regulations as are applicable to the Exercise of those Powers by a Superior Court.

Power to President to make certain Orders while Court not sitting.

37. The President may at any Time within *Twenty Days* after the Trial of any Cause, and whether the Court is sitting or not, and either when he is within or when he is out of the Jurisdiction of the Court, hear and grant any Application by way of Motion for a Rule for a new Trial, in any Action or Suit pending in the Court which he might lawfully hear while presiding in the Court; and any Rule

Rule or Order made by the President on the Hearing of any such Motion shall be as valid and as binding on the Parties as if the same had been made by him while presiding in the Court.

38. This Act shall apply to England and Wales.

Merchant Shipping Disputes.

A

BILL

To improve and facilitate the Trial of Disputes relating to Merchant Shipping.

(*Prepared and brought in by Mr. Denman and Mr. Clay.*)

Ordered, by The House of Commons, *to be Printed,* 24 *March* 1865.

[Bill 90.]

Under 2 oz.

A

BILL

TO

Continue the Metropolitan Houseless Poor Act.

WHEREAS it is expedient that the Provisions of "The Metropolitan Houseless Poor Act, 1864," should be continued for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That the Provisions of the said Act shall be extended to the Expenditure for Relief to be incurred during the Half Years which will expire at *Michaelmas next* and at *Lady Day One thousand eight hundred and sixty-six* respectively. Provisions of 27 & 28 Vict. c. 116. extended to Michaelmas and Lady Day next.

2. The Poor Law Board may at any Time revoke and renew the Certificates granted or to be granted under the First Section of that Act. Poor Law Board may revoke and renew Certificate.

3. The said Board may allow for the Costs and Expenses referred to in the Fourth Section of that Act, when they shall see fit to do so, a Sum or several Sums in gross instead of a Sum in respect of each Pauper as therein provided. Provision for Allowance of Cost for providing Wards.

4. This Act may be cited for all Purposes as "The Metropolitan Houseless Poor Act, 1865." Short Title of the Act.

[Bill 83.]

Metropolitan Houseless Poor.

A

B I L L

To continue the Metropolitan Houseless Poor Act.

(*Prepared and brought in by Mr. Villiers and Viscount Enfield.*)

Ordered, by The House of Commons, *to be Printed,* 20 *March* 1865.

[Bill 83.]

Under 1 *oz.*

LORDS AMENDMENT

TO THE

METROPOLITAN HOUSELESS POOR BILL.

Note.—*The Page and Line refer to the Bill* (70.) *as printed by the Lords.*

Page 1.

Line 17. Leave out the first ("and") and insert ("not less "than once in every Four Months between the Hours of Six "o'Clock in the Evening and Eight in the Morning in the Months "between October and March inclusive, and between the Hours "of Eight o'Clock in the Evening and Eight in the Morning in "the Months between April and September inclusive; and the "Results of such Inspection shall be reported to the Poor Law "Board, who")

[Bill 162.]

LORDS AMENDMENT

TO THE

METROPOLITAN HOUSELESS POOR BILL.

Ordered, by The House of Commons, *to be Printed*,
22 *May* 1865.

[Bill 162.]

Under 1 *oz.*

A

BILL

TO

Extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863.

WHEREAS by the Metropolitan Main Drainage Extension Act, 1863, herein-after referred to as the said Extension Act, the Metropolitan Board of Works is empowered to borrow, with the Consent and in manner provided by the Metropolitan Main Drainage Act, 1858, any Sum of Money not exceeding in the whole One million two hundred thousand Pounds, in addition to the Sums by the said Main Drainage Act, 1858, authorized to be borrowed: And whereas by the said Main Drainage Act, 1858, the Power of borrowing thereby vested in the said Board of Works is directed to be exercised not later than the Thirty-first Day of December One thousand eight hundred and sixty-four: And whereas no express Provision for extending the said Time of borrowing was inserted in the said Extension Act: And whereas it is expedient to extend such Time of borrowing in manner herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

1. The

Extension of Time for Borrowing Powers.

1. The Time for the Metropolitan Board of Works borrowing any Sum or Sums of Money authorized to be borrowed by the said Extension Act shall be extended to the *Thirty-first Day of December One thousand eight hundred and sixty-seven.*

Construction of this Act and the Main Drainage Acts.

2. This Act shall be construed as One with the Main Drainage Act, 1858, and the said Extension Act, and all the Provisions of the said Acts with respect to the borrowing of Money and the Securities for the same, and with respect to the Guarantee to be given by the Commissioners of the Treasury, and the Indemnity of the Commissioners against Loss on the Guarantee, and with respect to the levying Rates, and generally with respect to any Matter incidental to or consequential on the borrowing of Money therein mentioned, shall apply to the Monies authorized to be borrowed under the said Extension Act as amended by this Act in the same Manner as if the Monies were borrowed under the said Main Drainage Act, 1858.

Metropolitan Main Drainage Extension.

A

BILL

To extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 14 *March* 1865.

[Bill 73.]

Under 1 *oz.*

To be substituted for the Bill already delivered.

A

B I L L

TO

Facilitate the Traffic of the Metropolis and to improve the Communications across the River Thames by opening the present Toll Bridges for the free Use of the Public.

WHEREAS it will conduce greatly to the public Advantage to facilitate the Passage of Traffic across the Thames within the Metropolis, and with that View it is expedient that Power should be given to the Corporation of London and to the Metropolitan Board of Works to purchase or aid in the Purchase of the Bridges herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Corporation of London and the Metropolitan Board of Works may unite in the Purchase by Agreement of Southwark Bridge, with the Approaches thereto: The Sum contributed by the Corporation of London shall be charged on the Bridge House Estates, Power to purchase Southwark Bridge.

and the Sum payable by the Metropolitan Board of Works shall be raised by a special Rate, to be called a Bridge Rate, as herein-after mentioned: The said Bridge, when purchased, shall for ever thereafter be open to the Public free from Toll.

Power to sell or throw open Chelsea Suspension Bridge.

2. The Commissioners of Her Majesty's Works and Public Buildings may sell and convey to the Metropolitan Board of Works Chelsea Suspension Bridge for such Sum as may be agreed upon between them, with the Sanction of the Commissioners of Her Majesty's Treasury, or the said Commissioners of Works and Public Buildings may, with the like Sanction, agree with the Metropolitan Board of Works to throw the said Bridge open Toll-free on the Payment to them by the Metropolitan Board of Works either of an annual Sum or such Principal Sum as may be agreed upon.

Power to purchase Bridges.

3. The Metropolitan Board of Works may purchase by Agreement any One or more of the Bridges named in the Schedules hereto, and any Bridge so purchased shall ever thereafter be open for public Use free from Toll.

Power to Southwark Bridge Company and other Companies to convey Bridges to Corporation of London.

4. The Company to whom the Southwark Bridge belongs, if they are not otherwise authorized to sell the same, shall by Resolution passed as herein-after mentioned have Power to sell and convey the same to the Corporation of London and the Metropolitan Board of Works, or either of those Bodies, and the Company or Body of Persons to whom any of the said scheduled Bridges belong, if not otherwise authorized to sell the same, shall by a like Resolution have Power to sell and convey the said Bridges, or any of them, to the Metropolitan Board of Works: For the Purposes of this Section a Resolution shall be passed at a Meeting of the Company specially summoned for the Purpose by a Majority of Two Thirds of the Votes of the Persons present at that Meeting and entitled to vote thereat.

Mode of raising Purchase Money.

5. For the purpose of defraying the Expenses of the Purchase of any Bridge in pursuance of this Act, the Metropolitan Board of Works may levy a Rate to be called a Bridge Rate, not to exceed *One Halfpenny* in the Pound, until the *First of January One thousand eight hundred and eighty-six*, and such Rate shall be levied in the same Manner, from the same Persons, and subject to the same Conditions of Appeal and otherwise as a Main Drainage Rate.

A Duty on Coals, &c. to be levied.

6. *To aid further in the Purchase of the said Bridges, an additional Sum of One Penny per Ton on all Coal, Culm, and Cinders brought within the Metropolitan Police District shall be levied and collected*

collected in the same Manner as the Coal Duties are now leviable, the said additional Sum of One Penny per Ton to be paid to the Account of the Metropolitan Board of Works at the Bank of England, to be called the Metropolitan Special Bridge Fund, the said Fund to be appropriated to the Purchase of the said scheduled Bridges, and to no other Purpose.

Expense of maintaining Southwark Bridge.

7. Southwark Bridge, when purchased, shall be maintained by the Corporation of London, but the paving, lighting, watching, and cleansing of the said Bridge shall be borne in equal Moieties by the respective Districts in which the Approaches to the said Bridge are situate.

Expense of maintaining other Bridges.

8. The said scheduled Bridges, or any of them, when purchased by the Metropolitan Board of Works, shall be maintained by that Board, but the paving, lighting, watching, and cleansing of the said Bridges shall be borne in equal Moieties by the respective Districts in which the Approaches to the said Bridges are situate.

Contribution by Districts.

9. The several Vestries and District Boards of the Metropolitan Districts in which the said Bridges and Approaches are respectively situate (which several Districts are named in the Second Schedule hereunder) shall contribute, on Requisition made by Precept of the Metropolitan Board of Works, to the Bridge Rate to be levied under this Act an extra Bridge Rate not exceeding *One Halfpenny* in the *Pound* in aid of the Purchase of the several Bridges situate within such Districts.

Power to borrow Money.

10. The Metropolitan Board of Works may borrow Money for the Purposes of this Act on the Security of any Rate hereby made leviable by them, and the Public Works Loan Commissioners as defined by the "Public Works Loan Act, 1853," may advance to the said Board, on the Security of the said Rate, without any further Security, any Money the Board may require for the Purposes of this Act.

Definition of Bridge and Persons.

11. The Term "Bridge" shall include such Approaches to and other Appurtenances of a Bridge as belonged to a Company owning the Bridge itself; and "Persons" shall include Corporations.

The FIRST SCHEDULE to which this Act refers.

Southwark Bridge.	Hammersmith Bridge.
Waterloo Bridge.	Deptford Creek Bridge.
Vauxhall Bridge.	Lambeth.
Battersea Bridge.	Putney.
Chelsea (Suspension Bridge).	

The SECOND SCHEDULE to which this Act refers.

St. Saviour's.	Westminster.
Strand.	Chelsea.
Lambeth.	Wandsworth.
St. George the Martyr, Southwark.	Fulham.
	Greenwich.

To be substituted for the Bill already delivered.

Metropolitan Toll Bridges.

A

B I L L

To facilitate the Traffic of the Metropolis and to improve the Communications across the River Thames by opening the present Toll Bridges for the free Use of the Public.

(*Prepared and brought in by Mr. Alderman Salomons, Mr. Locke, and Mr. Jackson.*)

Ordered, by The House of Commons, *to be Printed,* 1 *March* 1865.

[Bill 47.] †

Under 1 *oz.*

Mortgage Debenture Bill.

ARRANGEMENT OF CLAUSES.

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SCHEDULES.

A

B I L L

TO

Enable certain Companies to issue Mortgage Debentures, founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities.

WHEREAS it is expedient that Provision should be made whereby such Companies as are herein-after defined may be enabled to issue Mortgage Debentures founded upon the Security of certain Descriptions of Property as herein-after defined, and for the Registration in the Office of Land Registry of such Mortgage Debentures and Securities: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Mortgage Debenture Act, 1865." Short Title.

2. This Act shall extend and apply to, and the Powers hereby conferred may be exercised by, all such Companies incorporated Extent of Act.

and carrying on Business under "The Companies Act, 1862," as are herein-after defined, and no others; and in the Construction of this Act the Expression "the Company" means any Company to which this Act applies, and which shall for the Time being be availing itself of the Provisions of this Act.

What Companies entitled to avail themselves of Act.

3. In order that a Company may be entitled to avail itself of the Provisions of this Act:

First. The Objects for which it is established, as declared in its Memorandum of Association, must be or include in Substance or Effect the following:

1. The making of Advances of Money repayable with Interest either at fixed Times or by Instalments, or by way of terminable Annuity or otherwise, upon the Security—

(*a.*) Of Lands, Messuages, Hereditaments, and Real Property of all Descriptions and Tenures, and of all Estates and Interests therein:

(*b.*) Of Rates, Dues, Assessments, and Impositions of all Descriptions, upon the Owners or Occupiers of Lands or Real Property, imposed by or under the Authority of any Act of Parliament, Public or Private, Royal Charter, Commission of Sewers or Drainage, or other sufficient legal Authority:

(*c.*) Of Charges and Securities of all Descriptions upon or affecting Lands, Messuages, Hereditaments, and Real Property of all Descriptions and Tenures, executed, made, given, or issued under the Authority of any Act of Parliament, Public or Private:

2. The borrowing of Money on transferable Mortgage Debentures:

Second. The Company must have a subscribed Capital of not less than *One million* Pounds, divided into Shares of not less than *Fifty* Pounds:

Third. Upon each Share issued, at least *One Tenth*, and not more than *One Half*, of the nominal Amount thereof must have been paid up, and not less than *One hundred thousand* Pounds in the whole must have been paid up on Shares bonâ fide issued and taken.

Company may borrow Money on Mortgage Debentures issued in accordance with Act.

4. Subject to the Provisions and Restrictions of this Act the Company may from Time to Time borrow Money upon Mortgage Debentures to be issued by it under the Authority of this Act; but all such Mortgage Debentures shall be founded upon and issued in respect of Securities held by the Company of such Descriptions as is herein-

herein-after provided, and which shall have been duly registered in accordance with the Provisions of this Act.

Nature of Securities on which Debentures may be issued.

5. The Securities upon and in respect of which such Mortgage Debentures may be founded and issued, shall be Securities taken by the Company in respect of Advances of Money made by it and repayable with Interest either at fixed Times, or by Instalments, or by way of terminable Annuity or otherwise, and whereby such Repayment shall be primarily secured—

(1.) Upon Lands, Messuages, Hereditaments, or other Real Property, or some Estates or Interests therein:

(2.) Upon Rates, Dues, Assessments, or Impositions upon the Owners or Occupiers of Lands or Real Property, imposed by or under the Authority of any Act of Parliament, Public or Private, Royal Charter, Commission of Sewers or Drainage, or other sufficient legal Authority:

(3.) Upon Charges or Securities upon or affecting Lands, Messuages, Hereditaments, or Real Property executed, made, given, or issued under the Authority of any Act of Parliament, Public or Private:

And in construing this Act the Word "Securities" shall be deemed to mean such Securities as above defined, and no others.

Securities on which Companies wish to issue Debentures to be produced to Registrar of Titles, &c. for Registry.

6. When, and from Time to Time as, the Company may desire to use any Securities in their Possession for the Purpose of founding and issuing Mortgage Debentures thereon, they shall produce the Deeds or Instruments creating such Securities, duly executed and stamped, to the Registrar of Titles to Landed Estates (which Expression in this Act includes the Assistant Registrar), in order to the same being duly registered in the Office of Land Registry in accordance with the Provisions of this Act.

Land Securities Register to be established in Office of Land Registry.

7. For the Purposes of such Registration there shall be established in the Office of Land Registry, in respect of every Company issuing Mortgage Debentures under this Act, a Register which shall be called the Register of Securities.

Registrar of Titles, &c. to conduct Business of Register.

8. The Business of the Registration shall be conducted by or under the Direction of the Registrar of Titles to Landed Estates, with the Aid of the Assistant Registrar and the other Officers and Servants of the Office, and in accordance with such Rules and Regulations as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time prescribes.

Register of Securities held by Company.

9. Upon Production to the Registrar of such Deeds or Instruments, purporting to be duly executed and stamped as aforesaid, the Registrar shall enter in the Register of Securities the Date of every such Deed or other Instrument, its Nature, whether Mortgage, Grant of Annuity, Rentcharge, or other Security, the Amount of the Principal Money, and the Rate of Interest thereby secured, and the Time or Times for the Payment of the Principal Money, or the Amount and Duration of the Annuity thereby secured, the Nature of the Property upon which the Security is taken, and shall make on the Deed or Instrument an Indorsement stating the Day on which it was produced to him for Registration, and the Page of the Book in which the Entry thereof is made, and that the Deed or Instrument has been registered as a Security for the Issue of Mortgage Debentures under this Act: Provided always, that the Registrar shall not register any Deed or Instrument which in his Judgment is not a Security upon which the Company are entitled to issue Mortgage Debentures under this Act: Provided also, that the Registrar shall not register for the Purposes of this Act any Security upon Lands, Messuages, Hereditaments, or other Real Property, until there shall have been produced for his Inspection, and left to be registered, a Certificate by a Surveyor appointed or approved by the Inclosure Commissioners for England and Wales, that, according to his Judgment, the saleable Value at the Time of Presentation for Registration of such Lands, Messuages, Hereditaments, or other Real Property exceeds the Amount of the Advance made by the Company in respect thereof, and of the prior Charges thereon, if any, to the Extent of *One Fourth* at least of such Advance.

Company may issue Debentures not exceeding Amount of registered Securities, and Ten Times the Amount of uncalled Share Capital.

10. Upon the Securities so from Time to Time registered, the Company may found and issue its Mortgage Debentures, but so that the aggregate Principal Sum secured by all the Mortgage Debentures shall never exceed at any One Time the then total Amount (to be ascertained in the Manner herein-after provided) of the registered Securities of the Company, and also shall never exceed *Ten* Times the Amount for the Time being of its uncalled Share Capital.

Company may issue new Debentures in lieu of those paid off.

11. If and whenever any of such Mortgage Debentures shall be paid off by the Company, the Company may issue new Mortgage Debentures in lieu thereof, and so from Time to Time, provided that the aggregate Principal Sum secured by all the Mortgage Debentures then issued and outstanding shall not exceed the beforementioned Limit.

12. All

Registered Securities charged with Payment of Debentures and not applicable for any other Purpose until discharged from Registration.

12. All the registered Securities for the Time being of the Company shall be charged with the Payment of the Principal Monies and Interest from Time to Time payable upon or in respect of all the Mortgage Debentures of the Company for the Time being issued and outstanding; and no registered Security shall be applicable to or available for any other Purpose than the Satisfaction of such Principal Monies and Interest; nor shall it be competent to the Company to transfer or dispose of or otherwise deal with the same, unless and until the same shall have been discharged from Registration in the Manner herein-after provided, and such Entry and Indorsement as herein-after provided shall have been made in respect thereof: Provided, nevertheless, that such Registration shall not prevent the Company from receiving, applying, and giving a valid Discharge for any Principal Monies, Instalments, Annuities, Interest, or other Payments which may from Time to Time be receivable upon or in respect of any such Security, unless where a Receiver shall have been actually appointed under the Provisions of this Act.

Discharge of Securities.

13. If at any Time the Company shall be desirous of freeing and discharging any such Securities registered from the Charge thereon as above provided, in order to enable the same to be disposed of or dealt with, or for any other Purpose, the Company may make Application to the Registrar for that Purpose, and upon its being made to appear to his Satisfaction that the aggregate of the Principal Sums secured by all the Mortgage Debentures of the Company then outstanding, does not exceed the total Amount (to be ascertained in the Manner herein-after provided) of the registered Securities of the Company at the Time being, exclusive of that proposed to be discharged, he shall allow the same to be so freed and discharged, and shall cause an Entry to be made in the Register of Securities of the said Security being discharged, and an Indorsement to that effect to be made upon the Deed or Instrument of Security, which Indorsement shall for all Purposes be conclusive Evidence that such Security is absolutely and effectually freed and discharged accordingly.

Registrar to determine Fees.

14. There shall from Time to Time be paid by the Company, or others in respect of Business transacted under this Act by the Registrar, such Fees as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time prescribes, and all Fees so paid shall be paid by or under the Direction of the Registrar into the Receipt of Her Majesty's Exchequer, and carried to the Account of the Consolidated Fund of the United Kingdom; and there shall also be paid by the Company to the Registrar, the Assistant Registrar,

trar, and the other Officers and Servants of the Office respectively, such Remuneration for their respective Services in the Execution of this Act as the Lord Chancellor from Time to Time sanctions.

Collection of Fees.

15. *The following Rules shall be observed with respect to the Collection of Fees :—*

(*a.*) *All Fees so payable shall be received by Stamps denoting the Amount of Fees payable, and not in Money ;*

(*b.*) *When a Fee is payable in respect of a Document, a Stamp denoting the Amount of the Fee shall be affixed to the Document ;*

(*c.*) *The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies by this Act directed to be paid by Stamps.*

Inspection of Register.

16. Subject to such Regulations, and on Payment of such Fees as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time prescribes, any Person may inspect and make Copies of and Extracts from the Register.

Company to make Quarterly Returns to Registrar.

17. When and so long as the Company issues any Mortgage Debentures under this Act, and from Time to Time, so long as any Mortgage Debenture so issued remains outstanding, the Company shall within Ten Days after every Quarter Day, as herein-after defined, make out and deliver to the Registrar the Quarterly Return by this Act prescribed; and every Quarterly Return shall be verified by the Statutory Declaration of *Two* Directors, and the Manager, Secretary, or Accountant of the Company.

Quarter Days for Purposes of Act.

18. The *Thirty-first* Day of *March*, the *Thirtieth* Day of *June*, the *Thirtieth* Day of *September*, and the *Thirty-first* Day of *December* in every Year shall be the Quarter Days for the Purposes of this Act.

Contents of Company's Quarterly Returns to Registrar.

19. Every Quarterly Return to be made by the Company to the Registrar shall be in the Form set forth in the First Schedule to this Act or as near thereto as Circumstances may admit, and shall contain, with reference to the then last Quarterly Day, the following Particulars :

(*a.*) An Account of all the Securities of the Company's at that Time registered, showing the aggregate of all Principal Sums remaining secured thereby and unpaid, and showing also the aggregate Amount or the aggregate estimated Value of all Annuities and other periodical Payments secured thereby :

(*b.*) An

(*b.*) An Account showing the particular and aggregate Amounts, and the Value or estimated Value of the Company's Investments in Stocks, Funds, Shares, and other Property of fluctuating Value, and their Cash in Hand and at Call, and also the total Number and aggregate nominal Amount of the Shares of the Company's Capital held by Persons registered in the Company's Books as the Holders thereof, and the aggregate Amount paid up in respect of those registered Shares, and the aggregate Amount remaining to be paid thereon:

(*c.*) The Numbers and Dates of the several Mortgage Debentures, issued by the Company and remaining in force, and the several Principal Sums secured by those Mortgage Debentures respectively, and the aggregate Amount thereof, and the Rates of Interest payable on those Principal Sums respectively, and the Time or Times for the Repayment of those Principal Sums respectively.

Estimate for Quarterly Returns of Amount or Value of Annuities.

20. The Amount or Value of the Annuities and other periodical Payments to be comprised in the Quarterly Returns shall be ascertained or estimated in such Manner as the Registrar from Time to Time approves.

Total Amount of registered Securities

21. The aggregate of all Principal Sums remaining secured by the registered Securities, together with the aggregate Amount or Value of the said Annuities as so ascertained or estimated, shall, for the Purposes of this Act, be deemed to be the total Amount at the Time being of the registered Securities of the Company.

Company's Guarantee Fund.

22. The aggregate Value of the Company's Investments as above mentioned, together with the Cash in Hand and at Call, and together also with the aggregate Amount remaining to be paid on the Shares of the Company, held by registered Holders, are hereinafter referred to as "the Company's Guarantee Fund."

Vouching of Quarterly Returns.

23. With every Quarterly Return, and in order to vouch the same, the Company shall produce to the Registrar, for Comparison with the Return, such of the Mortgages, Annuity Deeds, and other Securities of the Company to which the Return relates as he may require.

Registrar's Quarterly Certificate.

24. When the Registrar has examined the Quarterly Return, and is satisfied as to the Correctness thereof, he shall make, in Duplicate, and authenticate with the Seal of his Office and his Signature, a Certificate stating that the prescribed Quarterly Return has been made by the Company, and ascertained by him to be correct, and

stating, in a tabular Form, with reference to the then last Quarterly Day, the following Particulars:—

(*a.*) The Amount appearing by the Return to be the total Amount of the registered Securities of the Company, distinguishing the Totals of the Principal Sums secured to them, and of the Amounts or estimated Values of their Annuities and other periodical Payments:

(*b.*) The Amount appearing by the Return to be the Amount of the Company's Guarantee Fund:

(*c.*) The aggregate Amount of the several Mortgage Debentures issued by the Company and remaining in force, and the respective Times at which the Principal Sums thereby secured become payable, and of the Amounts so then payable.

Delivery to Company and Registration of Certificate.

25. The Registrar shall deliver the Certificate, with the Schedule annexed thereto, signed by him, to the Company, and shall retain and register a Duplicate thereof.

Form of Mortgage Debenture.

26. Every Mortgage Debenture from Time to Time issued by the Company shall be a Deed under the Common Seal of the Company, *duly stamped*, and bearing the Signatures of at least *Two* of the Directors, and the Counter-Signature of the Manager, Secretary, or Accountant of the Company, wherein the Consideration is truly stated, and shall be in accordance with One or other of the Forms in the Second Schedule to this Act annexed, or as near thereto as Circumstances admit.

Terms on which Mortgage Debentures may be issued.

27. The Mortgage Debentures shall be for the Payment of Principal Sums at a fixed Time, to be named therein, not exceeding *Ten* Years from the Date with Interest thereon in the meantime at such Rate as may be agreed, payable half-yearly or otherwise, and no Mortgage Debenture shall be issued for a less Principal Sum than *Fifty* Pounds.

Mortgage Debentures to be numbered.

28. The Mortgage Debentures shall be numbered consecutively, beginning with Number One, and every Mortgage Debenture shall be distinguished by its appropriate Number, and notwithstanding the Cancellation, Loss, or Destruction of a Mortgage Debenture, no other Mortgage Debenture shall bear the Number of that so cancelled, lost, or destroyed.

List of Mortgage Debentures

29. A Book containing a List of Mortgage Debentures shall be kept by the Company's Secretary, and on the Issue of any Mortgage Debenture

Debenture an Entry of the Number and Date thereof, and of the Principal Money secured thereby, and, unless the Mortgage Debenture be transferable by Delivery, the Name, Description, and Residence of the Person to whom it is issued shall be entered in such Book. to be kept by Company.

30. There shall also be established and kept in the Office of Land Registry, by or under the Direction of the Registrar, in respect of every Company issuing Mortgage Debentures under this Act, a Register of the Mortgage Debentures of the Company. Register of Mortgage Debentures.

31. When any Mortgage Debenture of the Company is duly executed *and stamped*, the Company shall produce it to the Registrar, in order to its being registered, and thereupon the Registrar shall enter in the Register of Mortgage Debentures the Number and the Date of the Mortgage Debenture, the Amount of the Principal Money thereby secured, and the Time or Times for Repayment of the Principal Money thereby secured, and shall make on the Mortgage Debenture an Indorsement stating the Day on which the Mortgage Debenture was produced to him for Registration, and of the Page of the Book in which the Entry thereof is made. Registration of Mortgage Debentures.

32. No Mortgage Debenture shall be admitted to Registration which is not issued by a Company entitled to avail itself of the Provisions of this Act, or which is not in accordance with this Act; and the Indorsement of the Registrar on any Mortgage Debenture as herein-before mentioned, shall be conclusive Evidence, for all Purposes, that it is a Mortgage Debenture duly issued under the Provisions of this Act. Only Mortgage Debentures according to Act to be registered.

33. When a Mortgage Debenture is produced to the Registrar discharged or cancelled, he shall make in the Register of Mortgage Debentures an Entry of the Discharge or Cancellation. Entry in Register of Discharge andCancellation of Mortgage Debenture.

34. For the Purposes of this Act, the several Mortgage Debentures from Time to Time appearing on the Register of Mortgage Debentures, to be issued by the Company, and not appearing by the Register to be discharged or cancelled, shall, for the Purposes of this Act be deemed to be in force, and the several Principal Sums from Time to Time appearing by the registered Mortgage Debentures to be thereby respectively secured shall, for the Purposes of this Act, be deemed to be the Principal Sums so secured. Register Evidence of Mortgage Debentures.

35. Every Mortgage Debenture which shall be made in accordance with the First Form in the Second Schedule hereto shall be transferable Transfers of Mortgage Debentures

by Deed.

transferable by Deed, and any Person entitled to any Mortgage Debenture so transferable may transfer his Right and Interest in, to, under, and in respect of the same to any other Person, and the Transfer shall be by Deed or Indorsement duly stamped, wherein the Consideration shall be truly stated, and may be in accordance with the Second Form in the Second Schedule to this Act annexed, or to the like Effect.

Entry of Transfers by Deed of Mortgage Debentures to be made by Company.

36. Within *Thirty* Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within *Thirty* Days after the Arrival thereof in the United Kingdom, it shall be produced to the Company's Secretary, and thereupon the Secretary shall make an Entry thereof in a Transfer Book; and after the Entry the Transfer shall entitle the Transferee to the full Benefit of the original Mortgage Debenture, so far as it is then in force; and no Person having made the Transfer shall have Power to make void, release, or discharge the Mortgage Debenture so transferred, or any Money thereby secured; and for the Entry the Company may demand not exceeding *Two Shillings and Sixpence;* and, until the Entry, the Company shall not be in any Manner responsible to, or bound to take Notice of, the Transferee in respect of the Mortgage Debenture.

Transfer of Mortgage Debentures by Delivery.

37. Every Mortgage Debenture which shall be made in accordance with the Third Form in the Schedule hereto shall be transferable by Delivery, and any Person entitled to any such Mortgage Debenture may transfer his Right and Interest in, to, under, and in respect of the same to any other Person, by delivering the Mortgage Debenture to such Person, with the Intent thereby to transfer the same; and the Person who, for the Time being, is the Holder of any Mortgage Debenture transferable by Delivery shall, in the Absence of Notice to the contrary, be deemed to be entitled thereto, and to receive and give effectual Receipts for the Principal Money and Interest thereby secured.

Stamps on Mortgage Debentures transferable by Delivery.

38. *The Stamp Duty payable on the Mortgage Debentures transferable by Delivery shall be the ad valorem Duty which by the Act of the Session of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Fifty-nine, Section Fourteen, is prescribed in the Case of Mortgages given by public Companies as therein expressed.*

Stamp Acts applied to Stamps under Act.

39. *The several Acts from Time to Time in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to Documents on which the Stamps are impressed*

pressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if the Provisions were in this Act repeated and specially enacted with reference to those Stamps and Sums of Money respectively.

Payment of Interest secured by Mortgage Debentures.

40. The Interest on the Money secured by any Mortgage Debenture shall be paid at the Periods appointed in the Mortgage Debenture, or, if no Period be appointed, half-yearly to the Person for the Time being entitled to such Mortgage Debenture.

Payment of Money secured at Time fixed.

41. At the Expiration of the fixed Period at which the Mortgage Debenture is made payable, the Principal Sum thereby secured, with the Arrears of Interest thereon, if any, shall be paid on Demand to the Person entitled to the Mortgage Debenture, on Production and Delivery up of the same, and if no other Place of Payment be expressed in the Mortgage Debenture, the Principal Money and Interest shall be payable at the registered Office of the Company; and *Six* Calendar Months Notice shall be given to every registered Holder of a Mortgage Debenture not transferable by Delivery, by Letter signed by the Secretary, and addressed to him at his registered Place of Abode, of the Day on which and the Place at which such Mortgage Debenture will be due and payable.

Priority of Payment of Principal and Interest secured by registered Mortgage Debentures.

42. The Principal Money and Interest, from Time to Time due upon the Mortgage Debentures duly registered in accordance with this Act, shall be payable to the several Persons from Time to Time entitled thereto in preference to all other Debts and Liabilities of the Company, whether due on simple Contracts or on any Specialty, and to all Dividends to the Shareholders of the Company.

Rights of Holders of Mortgage Debentures.

43. The Persons from Time to Time entitled to the Benefit of the Company's Mortgage Debentures shall, proportionally, according to the Amount of the Monies secured thereby, be entitled one with another to be paid by the Company the respective Principal Sums by the Mortgage Debentures respectively secured, with all Interest thereon, without any Preference one above another by reason of Priority of the Date of any such Mortgage Debenture or otherwise.

Application of Company's Assets, notwithstanding Mortgage Debenture.

44. Except as herein-before provided with respect to registered Securities, no Mortgage Debenture shall be a specific Charge on any Property or Effects of the Company, so as to preclude the Company from receiving and applying to its Purposes, or otherwise dealing with any Part of its total available Assets.

 45. In

Investments by Trustees.

45. In all Cases in which, by the Instrument creating the Trust, Trustees are expressly authorized to invest Trust Monies in or upon the Security of Land or Real Property, they, or the major Part of them, may apply to the High Court of Chancery in England or Ireland, or to the Court of Session in Scotland, for an Order or Declaration of the Court empowering the Trustees to invest any Monies subject to the Trust upon the Security of Mortgage Debentures, transferable by Deed, issued under this Act; and in England and Ireland the Application may be made by Summons at Chambers, and in Scotland to either Division of the Court of Session in Time of Session, or to the Lord Ordinary sitting on Bills in Time of Vacation, by Summary Petition; and the Court of Chancery in England or Ireland, or any Judge of that Court, and the Court of Session in Scotland, or the Lord Ordinary, on being satisfied that there is nothing in the Instrument creating the Trust expressly prohibiting such Investment, may on such Application make an Order or Declaration of the Court that from and after the Date of such Order or Declaration the Person or Persons for the Time being charged with the Execution of the Trust so created shall have Power to invest any Monies or Proceeds of Property subject to the Trust in Mortgage Debentures transferable by Deed duly issued under and in accordance with the Provisions of this Act.

Further Powers of Investment to Trustees.

46. In all Cases in which, by the Instrument creating the Trust, Trustees are authorized to invest Trust Monies in or upon the Security of any Shares or Stock, or of any Mortgages, or Bonds, or Debentures of any Company incorporated by or acting under the Authority of an Act of Parliament, they may invest such Trust Monies on the Security of Mortgage Debentures, transferable by Deed, duly issued under and in accordance with the Provisions of this Act.

Power to appoint Receiver.

47. The Persons for the Time being entitled to the Mortgage Debentures of the Company shall be empowered from Time to Time to enforce the Payment of any Arrears of Interest or Principal) as the Case may be) due on such Mortgage Debentures by procuring the Appointment of a Receiver, in the Manner and subject to the Conditions herein-after mentioned.

Power to be exercised by Persons holding certain Amount.

48. The Application for the Appointment of such Receiver may be made by any One or more Persons entitled to Mortgage Debentures, the Principal Sum or the aggregate Principal Sums secured by which shall amount to at least *Five thousand* Pounds in the whole.

Terms on which Power may

49. If within *Thirty* Days after the Interest accruing upon any Mortgage Debenture has become payable, and upon Demand thereof in

in Writing made upon the Company by the Person entitled to such Mortgage Debenture, such Interest be not paid, or if within Three Months after the Principal Money secured by any Mortgage Debenrure, and upon Demand thereof in Writing made as aforesaid, such Principal Money be not paid, the Person at the Time entitled to such Mortgage Debenture may, if the Principal Sum secured by his Mortgage Amount to the prescribed Sum before mentioned alone, and, if not, he may in conjunction with other Persons entitled to Mortgage Debentures, the Interest or Principal upon which are likewise in arrear, and the Principal Monies secured by whose Mortgage Debenture shall, together with his own, amount to the said prescribed Sum, require the Appointment of a Receiver, by an Application to be made as herein-after provided. be exercised by One Person.

50. No such Application shall in any way prejudice or affect the Right of any Person entitled to any such Mortgage Debenture to sue for any such Interest or Principal Money, as the Case may be, in any Court of Law or Equity. Saving Rights of Mortgagees to sue.

51. Every Application for a Receiver in the Cases aforesaid may be made in England or Ireland to the High Court of Chancery by Petition or by Summons at Chambers, and in Scotland to either Division of the Court of Session in Time of Session, or to the Lord Ordinary sitting on Bills in Time of Vacation, by Summary Petition, and on any such Application the Court of Chancery in England or Ireland, or any Judge of that Court, and the Court of Session in Scotland, or the Lord Ordinary, after such Proof shall have been given to them as they shall deem satisfactory, may appoint a Receiver to act on behalf of the Applicants and of such other Persons entitled to Mortgage Debentures as such Court or Judge may from Time to Time direct. Application. for Receiver.

52. The Court or Judge making such Appointment may also remove the Receiver and appoint another in his Stead, and so from Time to Time, and may make such Orders and give such Directions as to the Powers and Duties of the Receiver, and otherwise as to the Disposal of the Monies received by him, as may be thought fit. Removal of Receiver.

53. Subject to any such Orders and Directions, the Receiver shall be entitled to receive or recover the whole or a competent Part of the Principal Monies, Instalments, Annuities, Interest, and other Monies from Time to Time payable to the Company upon or in respect of their registered Securities, until such Interest or such Principal Money and Interest as the Case may be, together with all Costs, including the reasonable and proper Charges of such Receiver, Powers and Duties of Receiver.

shall have been fully paid; and upon such Appointment being made, all such Monies from Time to Time payable upon or in respect of such registered Securities, shall be paid to and received or recovered by such Receiver; and the Receiver shall apply the same, as from Time to Time received or recovered by him, first to the Payment of all such Costs, and afterwards to the Discharge and Payment of all Interest or Principal and Interest, as the Case may be, due upon their Mortgage Debentures to the Persons on whose Behalf such Receiver shall for the Time being be acting; and after such Costs and such Interest or Principal and Interest shall have been fully paid, the Power of such Receiver shall cease.

Company not to issue Mortgage Debentures on ceasing to be entitled to avail itself of Act.

54. In case any Company which being entitled to avail itself of the Provisions of this Act, shall accordingly have issued Mortgage Debentures, shall from any Cause cease to be so entitled, such Company nevertheless may and shall continue to have and avail itself of the Powers and Provisions of this Act, with respect to all Mortgage Debentures then issued and outstanding; but no Mortgage Debentures shall be issued by such Company upon any Ground or Pretence whatever, after it shall have ceased to be so entitled.

Penalties in such Event.

55. In case any Company which shall not at the Time being be entitled to avail itself of the Provisions of this Act shall issue Mortgage Debentures under, or purporting to be under, the Provisions of this Act, or in case any Company entitled to avail itself of the Provisions of this Act, shall at any Time issue Mortgage Debentures for an aggregate Principal Sum, exceeding the Limit to which at the Time being they are entitled to issue, such Company shall in every such Case forfeit a Sum equal to *One Tenth* of the Amount or the Excess (as the Case may be) so improperly issued by them.

Recovery of Penalties.

56. All such Penalties may be sued or prosecuted for and recovered for the Use of Her Majesty in the Name of Her Majesty's Attorney General, or Solicitor General for England or Ireland, or of Her Majesty's Advocate General, or Solicitor General in Scotland, according to the Part of the United Kingdom in which the registered Office of the Company is situate, in such and the same Manner as any other Penalties imposed by any of the Laws now in force relating to the Duties and Powers of Her Majesty's Office of Inland Revenue, and it shall be lawful in all Cases for the Commissioners of Inland Revenue, either before or after any Proceedings commenced for recovering any such Penalty, to instigate or compound any such Penalty as they may think fit, and to stay any such Proceedings after the same shall have been commenced, and whether Judgment may have been obtained for such Penalty or not, on Payment

Payment of Part only of any such Penalty, with or without Costs, or on Payment only of the Costs incurred in such Proceedings, or of any Part thereof, or on such other Terms as such Commissioners may think reasonable.

Saving Rights of Company.

57. Nothing herein contained shall in any Way restrict, limit, or interfere with any Power which the Company may have to borrow in any other Manner than by the Issue of Mortgage Debentures, or to ensure the Repayment of any Money so borrowed in any Manner except by Mortgage Debentures under this Act; or to dispose of or deal with such of their Securities as are not for the Time being registered under this Act, in the same Manner, and as freely in all respects as if this Act had not been passed.

Registrar, &c. not personally liable for executing Act.

58. No Person, being the Registrar, Assistant Registrar, or other Officer or Servant of the Office of Land Registry, shall be liable to any Action, Suit, or other Proceeding, or any Claim or Demand, by reason of anything done by him in the Execution of this Act.

Provision for General Acts.

59. This Act shall not exempt the Company from the Provisions of any Act relating to Joint Stock Companies, and applicable to the Company.

Interpretation.

60. In the Construction of this Act, all Words meaning or applying to Individuals only, shall apply, mutatis mutandis, to Corporations also.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

FORM OF QUARTERLY RETURN.

Mortgage Debenture Act, 1865.

The First Quarterly Return of the Company, with reference to the 30th Day of September 1865.

The registered Securities of the Company.

	£
1. Aggregate Principal Sum secured by Mortgage -	150,000
2. Aggregate estimated Value of Annuities - -	20,000
3. Aggregate estimated Value of all other periodical Payments - - - - - -	10,000
	£ 180,000

The Company's Guarantee Fund.

1. Investments in Property of fluctuating Value:		
Consols - - - -	£ 5,000	4,500
Reduced £3 per Cents - -	2,000	1,800
Exchequer Bills - - -	7,000	7,200
Cash in Hand - - - - -		500
Cash at Bankers - - - - -		1,500
Cash in Agent's Hands - - - -		1,000
		£ 16,500
2. 40,000 Shares of £50 each held by registered Holders - - -	£ 2,000,000	
Paid up thereon - - -	100,000	
Remaining unpaid thereon - -		£ 1,900,000
Total, being the Guarantee Fund of the Company - - -		£ 1,916,500

LIABILITIES.

LIABILITIES.

Mortgage Debenture issued and in force.

No.	Date.	Yearly Rate per Cent. of Interest.	Time for Repayment of Principal.	Principal Sum secured.
				£
1	August 1, 1865	Four - - -	August 1, 1869	10,000
2	August 1, 1865	Four - - -	August 1, 1869	5,000
3	August 10, 1865	Three and Three Quarters	August 10, 1871	20,000
		and so on.		
			Total - £	

SECOND SCHEDULE.

FORM OF MORTGAGE DEBENTURE TRANSFERABLE BY DEED.

The *Company.*

Mortgage Debenture, No. , £ .

By virtue of "The Mortgage Debenture Act, 1865," we, the Company, in consideration of £ paid to us by [*A.B.*, of], do assign unto [*A.B.*, of], his Executors, Administrators, and Assigns, The registered Securities of the Company, and all our Right and Interest therein and thereto, to hold unto [*A.B.*], his Executors, Administrators, and Assigns, until [£], with Interest thereon at the Rate of [ ] per Centum per Annum, be satisfied, the Principal Sum to be repaid on the Day of 18 [*if any Period be agreed on for the Purpose*], at [*or any Place of Payment other than the Company's registered Office.*]

Given under our Common Seal, this Day of A.D. 18 :

(*C.D.*) Director.
(*E.F.*) Director.

Countersigned (*G.H.*) Secretary.

FORM OF TRANSFER OF MORTGAGE DEBENTURE TRANSFERABLE BY DEED.

I [*A.B.*], in consideration of [£] paid to me by [*C.D.* of], hereby transfer to the said [*C.D.*], his Executors, Administrators, and Assigns, the Mortgage Debenture No. [ ], dated the [ ]

Day of [ ] 18 [ ], made by the Company to [ ] for securing [£] and Interest, [*or, if the Transfer be by Endorsement*, the within Security,] and all my Right and Interest in and to the Principal Money and Interest thereby secured, and the Company's total available Assets thereby assigned.

As witness my Hand and Seal, this [ ] Day of [ ] A.D. 18 [ ].

FORM OF MORTGAGE DEBENTURE TRANSFERABLE BY DELIVERY.

The Company.

Mortgage Debenture to Holder, No. , £ .

By virtue of the "Mortgage Debenture Act, 1865," we, the Company, in consideration of Pounds paid to us, do assign unto the Holder of this Mortgage Debenture the registered Securities of the Company, and all our Right and Interest therein and thereto, to hold unto the Holder of this Mortgage Debenture until Pounds, with Interest thereon at the Rate of Pounds per Centum per Annum, be satisfied, the Principal Sum to be repaid on the Day of 18 at [*or any Place of Payment other than the Company's registered Office*].

Given under our Common Seal, this Day of A.D. 18 .

(*C.D.*) Director.
(*E.F.*) Director.

Countersigned (*G.H.*) Secretary.

Mortgage Debentures.

A

BILL

To enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities.

(*Prepared and brought in by Lord Naas and Colonel Greville.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1865.

[Bill 1.]

Under 3 *oz.*

Mortgage Debentures Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Short Title; Sect. 1.
Extent of Act; 2.
What Companies entitled to avail themselves of Act; 3.
Company may borrow Money on Mortgage Debentures issued in accordance with Act; 4.
Nature of Securities on which Debentures may be founded; 5.
Securities on which Companies wish to issue Debentures to be produced to Registrar of Titles, &c., for Registry; 6.
Register of Securities to be established in Office of Land Registry; 7.
Registrar of Titles, &c. to conduct Business of Register; 8.
Upon Deposit with Registrar of Securities held by Company, and the Deeds relating thereto, and Certificate of Company, and Declaration of Surveyor, Registrar may register Deed creating Security; 9.
Form of Declaration of Surveyor; 10.
Company may issue Debentures not exceeding Amount of registered Securities, and Ten Times the Amount of uncalled Share Capital; 11.
Before Company entitled to issue Mortgage Debentures, Company to file a Return; 12.
Company may issue new Debentures in lieu of those paid off; 13.
Registered Securities charged with Payment of Debentures, and not applicable for any other Purpose until Discharge from Registration; 14.
Rights of Holders of Mortgage Debentures; 15.
Discharge of registered Securities from Debentures; 16.
Owner of registered Security upon Default of Company may obtain the Discharge thereof from Company's Debentures; 17.
Registrar to determine Fees; 18.
Collection of Fees; 19.
Inspection of Register; 20.
Company to make Quarterly Returns to Registrar; 21.

Quarter Days for Purposes of Act; 22.
Contents of Company's Quarterly Returns to Registrar; 23.
Estimate for Quarterly Returns of Amount or Value of Annuities; 24.
Total Amount of registered Securities; 25.
Form of Mortgage Debenture; 26.
Company to keep "Register of Securities"; 27.
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Powers and Duties of Receiver; 49.
Court may stay Order for Receiver upon Terms; 50.
Company not to issue Mortgage Debentures on ceasing to be entitled to avail itself of Act; 51.
Penalties in such Event; 52.
How Penalties may be recovered; 53.
No Company authorized to issue Mortgage Debentures to exceed its borrowing Powers; 54.
Registrar, &c. not personally liable for executing Act; 55.
Provision for General Acts; 56.
Interpretation; 60.
SCHEDULE.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Enable certain Companies to issue Mortgage Debentures, founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities.

Preamble.

WHEREAS it is expedient that Provision should be made whereby such Companies as are herein-after defined may be enabled to issue Mortgage Debentures founded upon the Security of certain Descriptions of Property as herein-after defined, and for the Registration in the Office of Land Registry of such Mortgage Debentures and Securities: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Mortgage Debenture Act, 1865."

Extent of Act.

2. This Act shall extend and apply to, and the Powers hereby conferred may be exercised by, all such Companies incorporated

and carrying on Business under "The Companies Act, 1862," or under any Act of Parliament or Letters Patent, as now or hereafter may be entitled to advance Money on the Security of Land; and in the Construction of this Act the Expression "the Company" means any Company to which this Act Applies, and which shall for the Time being be availing itself of the Provisions of this Act.

What Companies entitled to avail themselves of Act.

3. No Company shall be entitled to avail itself of this Act, unless it shall comply with the following Provisions:

First. The Company must, under its Deed of Settlement, Act of Parliament, Letters Patent, or Memorandum of Association, be authorized to carry out One or more of the following Objects:

1. The making of Advances of Money upon any of the following Securities:—

(*a.*) Lands, Messuages, Hereditaments, and Real Property of all Descriptions and Tenures, and all Estates and Interests therein:

(*b.*) Rates, Dues, Assessments, and Impositions of all Descriptions upon the Owners or Occupiers of Lands or Real Property imposed by or under the Authority of any Act of Parliament, Public or Private, Royal Charter, Commission of Sewers or Drainage, or other sufficient legal Authority:

(*c.*) Charges and Securities of all Descriptions upon or affecting Lands, Messuages, Hereditaments, and Real Property of all Descriptions and Tenures, executed, made, given, or issued under the Authority of any Act of Parliament, Public or Private:

2. The borrowing of Money on transferable Mortgage Debentures, or on One or more of the Securities above-mentioned:

Second. The Company must have a subscribed Capital of not less than One hundred thousand Pounds:

Third. Upon each Share issued, at least One Tenth of the nominal Amount thereof must have been paid up, and not less than Ten thousand Pounds in the whole must have been paid up on Shares bonâ fide issued and taken.

Company may borrow Money on Mortgage Debentures issued in accordance with Act.

4. Subject to the Provisions and Restrictions of this Act the Company may from Time to Time borrow Money upon Mortgage Debentures to be issued by it under the Authority of this Act.

5. The

Nature of Securities on which Debentures may be founded.

5. The Securities upon and in respect of which such Mortgage Debentures may be founded and issued shall be Securities affecting Property in England or Wales, of the following Descriptions—

(*a.*) Lands, Messuages, Hereditaments, or other Real Property, or some Estates or Interests therein:

(*b.*) Rates, Dues, Assessments, or Impositions upon the Owners or Occupiers of Lands or Real Property, imposed by or under the Authority of any Act of Parliament, Public or Private, Royal Charter, Commission of Sewers or Drainage, or other sufficient legal Authority:

(*c.*) Charges or Securities upon or affecting Lands, Messuages, Hereditaments, or Real Property executed, made, given, or issued under the Authority of any Act of Parliament, Public or Private, but not primarily upon the intrinsic Value of any Mining or Mineral Property:

In construing this Act the Word "Securities" shall be deemed to mean such Securities as above defined, and no others.

Securities on which Companies wish to issue Debentures to be produced to Registrar of Titles, &c. for Registry.

6. When, and from Time to Time as, the Company may desire to use any Securities in their Possession for the Purpose of founding and issuing Mortgage Debentures thereon, they shall produce the Deeds or Instruments creating such Securities, duly executed and stamped, to the Office of Land Registry established by the Twenty-fifth and Twenty-sixth Victoria, Chapter Fifty-three, in order to the same being duly registered in such Office of Land Registry, in accordance with the Provisions of this Act.

Register of Securities to be established in Office of Land Registry.

7. For the Purposes of such Registration there shall be established in such Office of Land Registry, in respect of every Company issuing Mortgage Debentures under this Act, a Register, with the Name of the Company attached, which shall be called a Register of Securities under the Mortgage Debentures Act, 1865.

Registrar of Titles, &c. to conduct Business of Register.

8. The Business of the Registration shall be conducted in such Office in accordance with such Rules and Regulations as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time shall prescribe.

Upon Deposit with Registrar of Securities held by Company, and the Deeds relating thereto, and Certificate

9. Upon Production to and Deposit with the Registrar of the Deeds or Instruments purporting to be duly executed and stamped as aforesaid, together with a Certificate under the Common Seal of the Company and the Hands of One or more Directors and of the Secretary or Accountant of the Company, in the Form or to the Effect of Form (A.) in the Schedule hereto, and in the Cases hereinafter mentioned of the Certificate of a Surveyor as herein-after provided,

of Company, and Declaration of Surveyor, Registrar may register Deed creating Security.

provided, the Registrar shall enter in the proper Register of Securities, the Date of every such Deed or other Instrument, its Nature, whether Mortgage, Grant of Annuity, Rentcharge, or other Security, the Amount of the Principal Money or the Amount and Duration of the Annuity thereby secured, and the Tenure, Extent, and Situation of the Property upon which the Security is taken: Provided always, that the Registrar shall not register any Deed or Instrument relating to or affecting any Property not situate in England or Wales.

Form of Declaration of Surveyor.

10. The Registrar shall not register any Deeds or Instruments for the Purposes of this Act, until there shall have been produced for his Inspection, and left to be registered, a voluntary Declaration made by a Surveyor or Valuer, approved by the Inclosure Commissioners for England and Wales, in the Form (B.) in the said Schedule hereto, or to the like Effect; but when such Deeds or Instruments relate exclusively to any of the Securities described in Section 5 (*b* and *c*), the Report of the Surveyor or Valuer shall state only the Value at the Time of the Report of the Securities to be valued. There shall also be delivered with the before-mentioned Deeds or Instruments a Schedule, under the Hand of the Secretary of the Company, of the Deeds and Documents which were delivered to the Company at the Time the Security was executed to them, which Deeds or Documents shall be deposited with the Registrar, to be retained by him until withdrawn as hereinafter provided.

Company may issue Debentures not exceeding Amount of registered Securities, and Ten Times the Amount of uncalled Share Capital.

11. Upon the Securities so from Time to Time registered, the Company may found and issue its Mortgage Debentures, but so that the aggregate Principal Sum secured by all the Mortgage Debentures shall never exceed at any One Time the then total Amount (to be ascertained in the Manner herein-after provided) of the registered Securities of the Company, and also shall never exceed *Ten* Times the Amount for the Time being of its uncalled Share Capital.

Before Company entitled to issue Mortgage Debentures Company to file following Return.

12. Before any Company entitled to issue Mortgage Debentures under the Provisions of this Act shall register any such Mortgage Debentures under the Provisions of this Act, such Company shall file in the Office of the Land Registry a Return containing the following and such other Particulars as the Registrar may from Time to Time require, which Return shall be under the Hand of One at least of the Directors of the Company and the Secretary.

(*a.*) The Amount of the nominal Capital of the Company, and the Number and Amount of Shares into which the same is divided:

(*b.*) The

(*b.*) The Amount paid up upon each Share:

(*c.*) The Assets or Property of the Company at the Date of the Return, and how invested:

(*d.*) The Names, Addresses, and Occupations of the Directors and Auditors of the Company:

(*e.*) The registered Office of the Company.

Company may issue new Debentures in lieu of those paid off.

13. If and whenever any of such Mortgage Debentures shall be paid off by the Company, the Company may issue new Mortgage Debentures in lieu thereof, and so from Time to Time, provided that the aggregate Principal Sum secured by all the Mortgage Debentures then issued and outstanding shall not exceed either of the before-mentioned Limits.

Registered Securities charged with Payment of Debentures, and not applicable for any other Purpose until discharged from Registration.

14. All the registered Securities for the Time being of the Company shall be charged with the Payment of the Principal Monies and Interest from Time to Time payable upon or in respect of all the Mortgage Debentures of the Company for the Time being issued and outstanding; and no registered Security shall be applicable to or available for any other Purpose than the Satisfaction of such Principal Monies and Interest; nor shall it be competent to the Company to transfer or dispose of or otherwise deal with the same, unless and until the same shall have been discharged from Registration in the Manner herein-after provided: Provided, nevertheless, that such Registration shall not prevent the Company from receiving, applying, and giving a valid Discharge for any Interest which may from Time to Time be receivable upon or in respect of any such Security, unless where a Receiver shall have been actually appointed under the Provisions of this Act.

Rights of Holders of Mortgage Debentures.

15. The Persons from Time to Time entitled to the Company's Mortgage Debentures shall, proportionally, according to the Amount of the Monies secured thereby, be entitled one with another to the Benefit of the registered Securities of the Company upon which such Mortgage Debentures are founded, without any Preference one above another by reason of Priority of the Date of any such Mortgage Debenture or otherwise.

Discharge of registered Securities from Debentures.

16. If at any Time the Company shall be desirous of freeing and discharging any such registered Securities from the Charge of the Debentures issued by the Company, the Company may make Application to the Registrar for that Purpose, and upon its being made to appear to his Satisfaction that the aggregate of the Principal Sums secured by all the Mortgage Debentures of the Company then outstanding does not exceed the total Amount (to be ascer-

tained in the Manner herein-after provided) of the registered Securities of the Company at the Time being, exclusive of that proposed to be discharged, he shall allow the same to be so freed and discharged, and shall cause an Entry to be made in the Register of Securities of the said Security being discharged, and shall re-deliver to the Company the several Deeds or Instruments to which such Security relates, and which were delivered to the Registrar for Registration, under the Provisions herein-before contained, and such Entry shall be conclusive Evidence of such Discharge.

Owner of registered Security upon default of Company may obtain the Discharge thereof from Company's Debentures.

17. Whenever any Person who has executed a Security which has been registered under the Provisions of this Act is entitled to redeem such Security, and has given Notice to the Company of his Intention so to do, the Company shall obtain the Discharge of such Security from the Company's Mortgage Debentures prior to the Day appointed for such Redemption.

If the Company should make Default in procuring such Discharge, the Mortgagor or other Person entitled to redeem such Security may apply to the High Court of Chancery by Summons, calling upon the Company to show Cause why such Security is not so discharged, and upon hearing such Summons the Judge shall appoint a Day by which the Discharge shall be obtained, and in Default thereof shall order that the Amount of Principal and Interest Money due upon such Security shall, by a Day to be named in the Order, be paid into the Bank to the Credit of the Accountant General of the Court of Chancery, to the Account of the Company's Mortgage Debentures, and shall make such Order as to the Costs of and incidental to the Application as the Court may deem just.

Upon Production to and Deposit with the Land Registrar of such Order, together with the Accountant General's Certificate of such Payment into Court as aforesaid, the Registrar shall make an Entry in the proper Register of Securities, of the Discharge of such Security from the Company's Mortgage Debentures, and shall deliver to the Person named in such Order the several Deeds and Instruments to which such Security relates, and which were delivered to the Registrar under the Provisions herein contained.

Upon the Company proving to the Satisfaction of the Court, by the Production of a Certificate of the Registrar, that the total Amount of the Debentures of the Company then outstanding does not exceed the total Amount of the Company's registered Security, the Court shall direct the Payment out of Court to the Company of the Amount so paid in, together with any Dividends that may have accrued due thereon in the meantime.

18. There

Registrar to determine Fees.

18. There shall from Time to Time be paid by the Company or others, in respect of Business transacted under this Act by the Registrar, such Fees as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time prescribes; and there shall also be paid by the Company to the Registrar, the Assistant Registrar, and the other Officers and Servants of the Office respectively, such Remuneration for their respective Services in the Execution of this Act as the Lord Chancellor from Time to Time sanctions.

Collection of Fees.

19. *The following Rules shall be observed with respect to the Collection of Fees:—*

(*a.*) *All Fees so payable shall be received by Stamps denoting the Amount of Fees payable, and not in Money;*

(*b.*) *When a Fee is payable in respect of a Document, a Stamp denoting the Amount of the Fee shall be affixed to the Document and properly cancelled;*

(*c.*) *The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies by this Act directed to be paid by Stamps.*

Inspection of Register.

20. Subject to such Regulations and on Payment of such Fees as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time prescribes, any Person may inspect and make Copies of and Extracts from the Register.

Company to make Quarterly Returns to Registrar.

21. When and so long as the Company issues any Mortgage Debentures under this Act, and from Time to Time so long as any Mortgage Debenture so issued remains outstanding, the Company shall, within Ten Days after every Quarter Day as herein-after defined, make out and deliver to the Registrar the Quarterly Return by this Act prescribed; and every Quarterly Return shall be verified by the Statutory Declaration of Two Directors, and the Manager, Secretary, or Accountant of the Company.

Quarter Days for Purposes of Act.

22. The Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of December in every Year shall be the Quarter Days for the Purposes of this Act.

Contents of Company's Quarterly Returns to Registrar.

23. Every Quarterly Return to be made by the Company to the Registrar shall be in the Form set forth in Form (C.) in the Schedule to this Act, or as near thereto as Circumstances may admit, and shall contain, with reference to the then last Quarterly Day, the following Particulars:

(*a.*) An Account of all the Securities of the Company's at that Time registered, showing the aggregate of all Principal

Sums remaining secured thereby and unpaid, and showing also the aggregate Amount or the aggregate estimated Value of all Annuities and other periodical Payments secured thereby:

(*b.*) An Account showing the aggregate Amount or estimated Value of the Company's other Investments, and also the total Number and aggregate nominal Amount of the Shares of the Company's Capital held by Persons registered in the Company's Books as the Holders thereof, and the aggregate Amount paid up in respect of those registered Shares, and the aggregate Amount remaining to be paid thereon:

(*c.*) The Numbers and Dates of the several Mortgage Debentures issued by the Company and remaining in force, and the several Principal Sums secured by those Mortgage Debentures respectively, and the aggregate Amount thereof, and the Rates of Interest payable on those Principal Sums respectively, and the Time or Times for the Repayment of those Principal Sums respectively.

Estimate for Quarterly Returns of Amount or Value of Annuities.

24. The Amount or Value of the Annuities and other periodical Payments to be comprised in the Quarterly Returns shall be ascertained or estimated by an Actuary approved by the Registrar.

Total Amount of registered Securities.

25. The aggregate of all Principal Sums remaining secured by the registered Securities, together with the aggregate Amount or Value of the said Annuities as so ascertained or estimated, shall, for the Purposes of this Act, be deemed to be the total Amount for the Time being of the registered Securities of the Company.

Form of Mortgage Debenture.

26. Every Mortgage Debenture from Time to Time issued by the Company shall be a Deed under the Common Seal of the Company, *duly stamped*, as a Mortgage for the Amount secured, and bearing the Signatures of at least Two of the Directors, and the Counter-Signature of the Manager, Secretary, or Accountant of the Company, and shall be in accordance with the Form (D.) in the Schedule to this Act, or as near thereto as Circumstances admit.

Company to keep "Register of Securities."

27. The Company shall keep a Register, to be called the "Register of Securities," in which shall be entered the Date of every Deed or other Instrument registered at the Land Registry for the Purposes of this Act, its Nature, whether Mortgage, Grant of Annuity, Rentcharge, or other Security, the Amount of the Principal Money, or the Amount and Duration of the Annuity thereby secured, the Tenure, Extent, and Situation of the Property upon which

which the Security is taken, and if there are any Charges which take Priority of the Company's Security, then the Amount of such prior Charges.

Terms on which Mortgage Debentures may be issued.

28. The Mortgage Debentures shall be for the Payment of Principal Sums at a fixed Time, to be named therein, not less than Six Months nor exceeding Ten Years from the Date, with Interest thereon in the meantime, at such Rate as may be agreed, payable half-yearly or otherwise; and no Mortgage Debenture shall be issued for a less Principal Sum than Fifty Pounds.

Mortgage Debentures to be numbered.

29. The Mortgage Debentures shall be numbered consecutively, beginning with Number One, and every Mortgage Debenture shall be distinguished by its appropriate Number, and notwithstanding the Cancellation, Loss, or Destruction of a Mortgage Debenture, no other Mortgage Debenture shall bear the Number of that so cancelled, lost, or destroyed.

Indorsement to be made upon Mortgage Debenture.

30. There shall be indorsed upon every Mortgage Debenture issued under the Provisions of this Act,—

(*a.*) The Amount of the nominal Capital of the Company issuing the same:

(*b.*) The Number and Amount of the Shares into which such Capital is divided:

(*c.*) The Number of Shares issued and the Amount paid up in Money upon each Share so issued:

(*d.*) The Amount of the registered Securities of the Company as declared by the last Quarterly Return:

(*e.*) The registered Office of the Company.

Provided, that any Inaccuracies or Omissions in such Indorsements shall not affect or invalidate the Debenture.

List of Mortgage Debentures to be kept by Company.

31. A Book containing a List of Mortgage Debentures shall be kept by the Company's Secretary, and on the Issue of any Mortgage Debenture an Entry of the Number and Date thereof, and of the Principal Money secured thereby, and the Name, Description, and Residence of the Person to whom it is issued shall be entered in such Book.

Register of Mortgage Debentures.

32. There shall also be established and kept in the Office of Land Registry, by or under the Direction of the Registrar, in respect of every Company issuing Mortgage Debentures under this Act, a Register of the Mortgage Debentures of the Company.

Registration of Mortgage Debentures.

33. When any Mortgage Debenture of the Company is duly executed and stamped, the Company shall produce it to the Registrar, in order to its being registered, and thereupon the Registrar shall enter in the Register of Mortgage Debentures the Number and the Date of the Mortgage Debenture, the Amount of the Principal Money thereby secured, and the Time or Times for Repayment of the Principal Money thereby secured, and shall make on the Mortgage Debenture an Indorsement stating the Day on which the Mortgage Debenture was produced to him for Registration, and of the Page of the Book in which the Entry thereof is made; and without such an Indorsement, no Mortgage Debenture shall be a Charge under this Act upon the registered Securities of the Company.

Indorsement of Registrar.

34. The Indorsement of the Registrar on any Mortgage Debenture as herein-before mentioned shall be conclusive Evidence that it is a Mortgage Debenture duly registered under the Provisions of this Act.

No Notice of Trust to be received either by Company or Registrar.

35. No Notice of any Trust in respect of any Mortgage Debenture shall be receivable by the Company or the Registrar.

Entry in Register of Discharge of Mortgage Debenture.

36. When a Mortgage Debenture is produced by the Company to the Registrar, with a Receipt for the Monies secured thereby indorsed thereon, signed and stamped, he shall make in the Register of Mortgage Debentures an Entry of the Discharge thereof.

Transfer of Mortgage Debenture.

37. Every Mortgage Debenture may be transferred by Endorsement in the Form (E.) in the Schedule to this Act, or to the like Effect.

Entry of Transfers by Deed of Mortgage Debentures to be made by Company.

38. Within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Company's Secretary, and thereupon the Secretary shall make an Entry thereof in a Transfer Book; and after the Entry the Transfer shall entitle the Transferee to the full Benefit of the original Mortgage Debenture, so far as it is then in force; and no Person having made the Transfer shall have Power to make void, release, or discharge the Mortgage Debenture so transferred, or any Money thereby secured; and for the Entry the Company may demand not exceeding Two Shillings and Sixpence; and, until the Entry, the Company shall not be in any Manner responsible to, or bound to take Notice of, the Transferee in respect of the Mortgage Debenture.

39. The

39. *The Stamp Duty payable on the Mortgage Debentures shall be the ad valorem Duty which by the Act of the Session of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Fifty-nine, Section Fourteen, is prescribed in the Case of Mortgages given by public Companies as therein expressed.* Stamps on Mortgage Debentures.

40. The several Acts from Time to Time in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to Documents on which the Stamps are impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if the Provisions were in this Act repeated and specially enacted with reference to those Stamps and Sums of Money respectively. Stamp Acts applied to Stamps under Act.

41. Except as herein-before provided with respect to registered Securities, no Mortgage Debenture shall be a specific Charge on any Property or Effects of the Company, so as to preclude the Company from receiving and applying to its Purposes or otherwise dealing with any Part of its total available Assets. Application of Company's Assets, notwithstanding Mortgage Debenture.

42. In all Cases in which Trustees are authorized to invest Trust Monies in or upon Real Securities in England or Wales, they may apply to the High Court of Chancery in England for an Order of the Court empowering the Trustees to invest any Monies subject to the Trust upon the Security of Mortgage Debentures issued under this Act; and the Court of Chancery may, on being satisfied that there is nothing in the Instrument creating the Trust prohibiting such Investment, and that such Investment is reasonable and proper, make an Order that the Trustees shall have Power to invest the Monies specified in such Order in Mortgage Debentures duly issued under and in accordance with the Provisions of this Act, subject to any Limitations or Conditions contained in such Order. Investments by Trustees.

43. In all Cases in which, by the Instrument creating the Trust, Trustees have a general power to invest Trust Monies in or upon the Security of Shares, Stock, Mortgages, Bonds, or Debentures of Companies incorporated by or acting under the Authority of an Act of Parliament, they may invest such Trust Monies on the Security of Mortgage Debentures duly issued under and in accordance with the Provisions of this Act. Further Powers of Investment to Trustees.

Power to appoint Receiver.

44. Any Person for the Time being entitled to any Mortgage Debenture of the Company shall be empowered from Time to Time to enforce the Payment of any Arrears of Interest or Principal (as the Case may be) due on such Mortgage Debenture by procuring the Appointment of a Receiver in the Manner and subject to the Conditions herein-after mentioned.

Terms on which Power may be exercised.

45. If within Seven Days after the Interest accruing upon any Mortgage Debenture has become payable, and after Demand thereof in Writing made upon the Company by the Person entitled thereunto, such Interest be not paid, or if within Three Weeks after the Principal Money secured by any Mortgage Debenture has become payable, and after Demand thereof in Writing made as aforesaid, such Principal Money be not paid, the Person at the Time entitled to the Receipt of such Interest or Principal respectively may apply for the Appointment of a Receiver, as herein-after provided.

Saving Rights of Mortgagees to sue.

46. No such Application shall in any way prejudice or affect the Right of any Person entitled to any such Mortgage Debenture to sue for any such Interest or Principal Money, as the Case may be, in any Court of Law or Equity.

Application for Receiver.

47. Every Application for a Receiver in the Cases aforesaid may be made to the High Court of Chancery by Petition or by Summons at Chambers, and on any such Application the Court of Chancery may appoint a Receiver to act on behalf of the Applicant and the other Persons entitled to the Company's Mortgage Debentures.

Removal of Receiver.

48. The Court may also remove the Receiver, and appoint another in his Stead, and so from Time to Time, and may make such Orders and give such Directions as to the Powers and Duties of the Receiver, and otherwise as to the Disposal of the Monies received by him, as may be thought fit.

Powers and Duties of Receiver.

49. Subject to any such Orders and Directions, the Receiver shall be entitled to receive or recover the whole or a competent Part of the Principal Monies, Instalments, Annuities, Interest, and other Monies from Time to Time payable to the Company upon or in respect of their registered Securities, and also any Monies standing to the Account of the Company's Mortgage Debentures under the Provision of Section 18, until the Principal and Interest due on all the Debentures issued by the Company, together with all Costs, including the reasonable and proper Charges of such Receiver, shall have been fully paid; and upon such Appointment being made, and Notice thereof to the several Persons liable upon such

such registered Securities, all such Monies from Time to Time payable upon or in respect of such registered Securities shall be paid to and received or recovered by such Receiver; and the Receiver shall apply the same, as from Time to Time received or recovered by him, first to the Payment of all such Costs, and afterwards to the Discharge and Payment of all Interest, or Principal and Interest, as the Case may be, due upon such Mortgage Debentures; and after such Costs, and such Interest, or Principal and Interest, shall have been fully paid, the Power of such Receiver shall cease.

Court may stay Order for Receiver upon Terms.

50. The Court may order, as to any of the above-mentioned Powers and Duties, that the Receiver shall not exercise the same without the Sanction or further Direction of the Court; and the Court may, at any Time after an Order for the Appointment of a Receiver has been made, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it may deem fit.

Company not to issue Mortgage Debentures on ceasing to be entitled to avail itself of Act.

51. In case any Company shall cease to be entitled to issue Mortgage Debentures under this Act, such Company shall nevertheless have the Powers and be subject to the Provisions of this Act with respect to all Mortgage Debentures then issued and outstanding; but no Mortgage Debentures shall be issued or renewed by such Company upon any Ground or Pretence whatever, after it shall have ceased to be so entitled.

Penalties in such Event.

52. In case any Company which shall not at the Time being be entitled to avail itself of the Provisions of this Act shall issue Mortgage Debentures under, or purporting to be under, the Provisions of this Act, or in case any Company entitled to avail itself of the Provisions of this Act shall at any Time issue Mortgage Debentures for an aggregate Principal Sum exceeding the Limit to which at the Time being they are entitled to issue, any Person who shall knowingly or wilfully be concerned in such Issue shall in every such Case forfeit the Sum of Five hundred Pounds.

How Penalties may be recovered.

53. Every Penalty herein-before provided may be sued for and recovered by any Person whosoever who will sue for the same, by Action in any of the Superior Courts of Law in England, or Ireland, or Scotland, according as the Offence has been committed in either of those Parts of the United Kingdom, together with full Costs of Suit.

No Company authorized to

54. Nothing in this Act contained shall authorize any Company entitled to borrow Money upon Mortgage Debentures under the

issue Mortgage Debentures to exceed its borrowing Powers.

Provisions of this Act to borrow, by means of such Mortgage Debentures or otherwise, a larger Sum than such Company would be entitled to borrow if this Act had not been passed; but nothing herein contained shall in any way restrict, limit, or interfere with any Power which the Company may have to borrow in any other Manner than by the Issue of Mortgage Debentures, or to ensure the Repayment of any Money so borrowed in any Manner except by Mortgage Debentures under this Act; or to dispose of or deal with such of their Securities as are not for the Time being registered under this Act, in the same Manner and as freely in all respects as if this Act had not been passed.

Registrar, &c. not personally liable for executing Act.

55. No Person, being the Registrar, Assistant Registrar, or other Officer or Servant of the Office of Land Registry, shall be liable to any Action, Suit, or other Proceeding, or any Claim or Demand, by reason of anything done bonâ fide by him in the Execution of this Act.

Provision for General Acts.

56. This Act shall not exempt the Company from the Provisions of any Act relating to Joint Stock Companies, and applicable to the Company.

Interpretation.

57. In the Construction of this Act all Words meaning or applying to Individuals only shall apply, mutatis mutandis, to Corporations also.

The

The SCHEDULE referred to in the foregoing Act.

FORM (A.)

FORM OF RETURN TO BE MADE BY THE COMPANY ON APPICATION TO REGISTRAR TO REGISTER SECURITIES.

Date of Company's Mortgage or other Security, and distinguishing Number of Letter.	Nature of Security, whether Mortgage, Grant of Annuity, Rentcharge, or other Security.	The Amount of Principal Money secured, or, if Rentcharge or Annuity, the Amount and Duration thereof, and the Annual or other Periodical Payment to be made on account thereof.	Tenure, whether Freehold, Copyhold, or Leasehold.	If the Company's Charge is upon any of the Securities comprised in Section 5 (*a*), set out the Extent and Situation of the Property on which the Mortgage or other Security is charged; if Land, state the Acreage, Parish, and County; if Houses, state the Town, Street, and No., if any, in addition to Parish and County.	Nature of the Mortgagors' or Grantors' Interest therein.	The Nature and Amount of the Prior Charges thereon (if any); if more than One Charge, set out each Charge separately.	If the Company's Charge is upon any of the Securities comprised in Section 5 (*b* and *c*), set out the Nature thereof, the Total Amount of the Principal Money originally advanced by the Company, and the Amount unpaid at the Date hereof, and the Authority, statutable or other, under which the same is issued.

We hereby certify that the above Return is correct.

A.B.
C.D.

FORM (B.)

FORM OF SURVEYOR'S OR VALUER'S DECLARATION.

[*Here insert a Copy of the Return to be made by the Company on Application to register Securities, distinguishing each Security by a separate Letter or Number.*]

I of do solemnly and sincerely declare, that the Information above contained with respect to the Security numbered or lettered is, to the best of my Information and Belief, correct, and that the Value of the Property above described (and, *if the Borrower's Interest is of a limited Nature*, the Value of the Borrower's Estate and Interest or the Property above described,) exceeds the Amount of £ , the Advance made by the Company in respect thereof (*if there are prior Charges*, and of the prior Charges thereon), to the Extent of One Third at least of such Value.

[*A separate Declaration may be made in respect of each Security, and where the Mortgage or Charge is secured exclusively upon any of the Securities comprised in Sec.* 5 (b *and* c), *omit from the Word* "declare" *to the End, and insert* "to the best of my Information and Belief the Security above described, and numbered , is now of the Value of £ ."]

FORM (C.)

Form of Quarterly Return.

Mortgage Debenture Act, 1865.

The First Quarterly Return of the Company, with reference to the 30th Day of December 1865.

The registered Securities of the Company.

	£
1. Aggregate Securities under Clause 5—*a*	150,000
2. Aggregate Securities under Clause 5—*b*	20,000
3. Aggregate Securities under Clause 5—*c*	10,000
	£ 180,000
4. Other Investments	16,500
5. 40,000 Shares of £50 each held by registered Holders £ 2,000,000	
Paid up thereon 200,000	
Remaining unpaid thereon	£ 1,800,000

Liabilities.

Mortgage Debenture issued and in force.

No.	Date.	Yearly Rate per Cent. of Interest.	Time for Repayment of Principal.	Principal Sum secured.
				£
1	August 1, 1865	Four	August 1, 1869	10,000
2	August 1, 1865	Four	August 1, 1869	5,000
3	August 10, 1865	Three and Three Quarters	August 10, 1871	20,000
		and so on.		
			Total £	

We hereby certify that the above Return is correct.

A.B.
C.D.

FORM (D.)

Form of Mortgage Debenture.

The Company.

Mortgage Debenture, No.

By virtue of the Mortgage Debenture Act, 1865, we, the Company, in consideration of £ paid to us by *A.B.*, of , do hereby charge all the registered Securities of the Company with the Payment to the said *A.B.*, his Executors, Administrators, and Assigns, of the Sum of £ , and Interest thereon at the Rate of , which Sum of £ is to be paid and payable to the said *A.B.*, his Executors, Administrators, and Assigns, at the [*Place*], on the Day of with Interest on the same at the Rate of per Cent. per Annum, payable half-yearly, at said Place, on every Day of and Day of and we hereby undertake to pay said Sum of £ and Interest at the Rate aforesaid, as above mentioned.

Given under our Common Seal, this Day of

A.B., Director.

C.D., Director.

Countersigned, *G.F.*, Secretary.

Registered

FORM (E.)

Form of Transfer of Mortgage Debenture.

I *A.B.* of in consideration of £ [*state true Consideration*] hereby transfer to *C.D.* of his Executors, Administrators, and Assigns, the within Mortgage Debenture.

(Signed) *A.B.*

Mortgage Debentures.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE.]

To enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities.

(*Prepared and brought in by Lord Naas and Colonel Greville.*)

Ordered, by The House of Commons, *to be Printed*, 14 *March* 1865.

[Bill 72.]

Under 3 oz.

Mortgage Debentures Bill.

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT.]

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Extent of Act; 2.
What Companies entitled to avail themselves of Act; 3.
Company may borrow Money on Mortgage Debentures issued in accordance with Act; 4.
Nature of Securities on which Debentures may be founded; 5.
Securities on which Companies wish to issue Debentures to be produced to Registrar of Titles, &c., for Registry; 6.
Register of Securities to be established in Office of Land Registry; 7.
Registrar of Titles, &c. to conduct Business of Register; 8.
Upon Deposit with Registrar of Securities held by Company, and the Deeds relating thereto, and Certificate of Company, and Declaration of Surveyor, Registrar may register Deed creating Security; 9.
Form of Declaration of Surveyor; 10.
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Court may stay Order for Receiver upon Terms; 48.
Company not to issue Mortgage Debentures on ceasing to be entitled to avail itself of Act; 49.
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No Company authorized to issue Mortgage Debentures to exceed its borrowing Powers; 52.
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SCHEDULE.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

TO

Enable certain Companies to issue Mortgage Debentures, founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities.

WHEREAS it is expedient that Provision should be made whereby such Companies as are herein-after defined may be enabled to issue Mortgage Debentures founded upon the Security of certain Descriptions of Property as herein-after defined, and for the Registration in the Office of Land Registry of such Mortgage Debentures and Securities: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Mortgage Debenture Act, 1865." Short Title.

2. This Act shall extend and apply to, and the Powers hereby conferred may be exercised by, all such Companies incorporated Extent of Act.

and carrying on Business under "The Companies Act, 1862," or under any Act of Parliament or Letters Patent, as now or hereafter may be entitled to advance Money on the Security of Land; and in the Construction of this Act the Expression "the Company" means any Company to which this Act Applies, and which shall for the Time being be availing itself of the Provisions of this Act.

What Companies entitled to avail themselves of Act.

3. No Company shall be entitled to avail itself of this Act, unless it shall comply with the following Provisions:

First. The Company must, under its Deed of Settlement, Act of Parliament, Letters Patent, or Memorandum of Association, be authorized to carry out One or more of the following Objects:

1. The making of Advances of Money upon any of the following Securities:—
   (*a.*) Lands, Messuages, Hereditaments, and Real Property, and all Estates and Interests therein:
   (*b.*) Rates, Dues, Assessments, and Impositions upon the Owners or Occupiers of Lands or Real Property imposed by or under the Authority of any Act of Parliament, Public or Private, Royal Charter, Commission of Sewers or Drainage, or other sufficient legal Authority:
   (*c.*) Charges and Securities upon or affecting Lands, Messuages, Hereditaments, and Real Property executed, made, given, or issued under the Authority of any Act of Parliament, Public or Private:
2. The borrowing of Money on transferable Mortgage Debentures, or on One or more of the Securities above-mentioned:

Second. The Company must have a subscribed Capital of not less than One hundred thousand Pounds:

Third. Upon each Share issued, at least One Tenth of the nominal Amount thereof must have been paid up, and not less than Ten thousand Pounds in the whole must have been paid up on Shares bonâ fide issued and taken.

Company may borrow Money on Mortgage Debentures issued in accordance with Act.

4. Subject to the Provisions and Restrictions of this Act the Company may from Time to Time borrow Money upon Mortgage Debentures to be issued by it under the Authority of this Act.

Nature of Securities on which Debentures may be founded.

5. The Securities upon and in respect of which such Mortgage Debentures may be founded and issued shall be Securities affecting Property in England or Wales, of the following Descriptions—

(*a.*) Lands, Messuages, Hereditaments, or Real Property, or some Estates or Interests therein:

(*b.*) Rates,

(*b.*) Rates, Dues, Assessments, or Impositions upon the Owners or Occupiers of Lands, Messuages, Hereditaments, or Real Property, imposed by or under the Authority of any Act of Parliament, Public or Private, Royal Charter, Commission of Sewers or Drainage, or other sufficient legal Authority:

(*c.*) Charges upon or affecting Lands, Messuages, Hereditaments, or Real Property executed, made, given, or issued under the Authority of any Act of Parliament, Public or Private:

But, from the Securities described in Paragraph (*a.*) shall be excepted Securities upon Mines or Mineral Property, Quarries, Brickfields, and Factories, Mills, and other Buildings or Works for Manufacturing Purposes, and also Securities upon Leasehold Estates, determinable upon a Life or Lives, and not renewable or held for a Term, of which, at the Date of the Security, not less than Fifty Years shall be unexpired, or which are subject to any Rent beyond a nominal Rent or a Ground Rent.

In construing this Act the Word "Securities" shall be deemed to mean such Securities as above defined and restricted, and no others.

Securities on which Companies wish to issue Debentures to be produced to Registrar of Titles, &c. for Registry.

6. When, and from Time to Time as, the Company may desire to use any Securities in their Possession for the Purpose of founding and issuing Mortgage Debentures thereon, they shall produce the Deeds or Instruments creating such Securities, duly executed and stamped, to the Office of Land Registry established by the Twenty-fifth and Twenty-sixth Victoria, Chapter Fifty-three, in order to the same being duly registered in such Office of Land Registry, in accordance with the Provisions of this Act.

Register of Securities to be established in Office of Land Registry.

7. For the Purposes of such Registration there shall be established in such Office of Land Registry, in respect of every Company issuing Mortgage Debentures under this Act, a Register, with the Name of the Company attached, which shall be called a Register of Securities under the Mortgage Debentures Act, 1865.

Registrar of Titles, &c. to conduct Business of Register.

8. The Business of the Registration shall be conducted in such Office in accordance with such Rules and Regulations as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time shall prescribe.

Upon Deposit with Registrar of Securities held by Company, and the Deeds relating thereto, and

9. Upon Production to and Deposit with the Registrar of the Deeds or Instruments purporting to be duly executed and stamped as aforesaid, together with a Certificate under the Common Seal of the Company and the Hands of One or more Directors and of the Secretary or Accountant of the Company, in the Form or to the Effect of Form (A.) in the Schedule hereto, and in the Cases hereinafter

Certificate of Company, and Declaration of Surveyor, Registrar may register Deed creating Security.

after mentioned of the Certificate of a Surveyor as herein-after provided, the Registrar shall enter in the proper Register of Securities, the Date of every such Deed or other Instrument, its Nature, whether Mortgage, Grant of Annuity, Rentcharge, or other Security, the Amount of the Principal Money or the Amount and Duration of the Annuity thereby secured, and the Tenure, Extent, and Situation of the Property upon which the Security is taken: Provided always, that the Registrar shall not register any Deed or Instrument relating to or affecting any Property not situate in England or Wales.

Form of Declaration of Surveyor.

10. The Registrar shall not register any Deeds or Instruments for the Purposes of this Act, until there shall have been produced for his Inspection, and left to be registered, a voluntary Declaration made by a Surveyor or Valuer, approved by the Inclosure Commissioners for England and Wales, in the Form (B.) in the said Schedule hereto, or to the like Effect; but when such Deeds or Instruments relate exclusively to any of the Securities described in Section 5 (*b* and *c*), the Report of the Surveyor or Valuer shall state only the Value at the Time of his Report of the Securities to be valued. There shall also be delivered with the before-mentioned Deeds or Instruments a Schedule, under the Hand of the Secretary or One of the Directors of the Company, of the Deeds and Documents which were delivered to the Company at the Time when the Security was executed to them, which Deeds or Documents shall be deposited with the Registrar, to be retained by him until withdrawn as herein-after provided.

Company may issue Debentures not exceeding Amount of registered Securities, and Ten Times the Amount of uncalled Share Capital.

11. Upon the Securities so from Time to Time registered, the Company may found and issue its Mortgage Debentures, but so that the aggregate Principal Sum secured by all the Mortgage Debentures shall never exceed at any One Time the then total Amount (to be ascertained in the Manner herein-after provided) of the registered Securities of the Company, and also shall never exceed *Ten* Times the Amount for the Time being of its uncalled Share Capital.

Before Company entitled to issue Mortgage Debentures Company to file following Return.

12. Before any Company entitled to issue Mortgage Debentures under the Provisions of this Act shall register any such Mortgage Debentures under the Provisions of this Act, such Company shall file in the Office of the Land Registry a Return containing the following and such other Particulars as the Registrar may from Time to Time require, which Return shall be under the Hand of One at least of the Directors of the Company and the Secretary.

(*a.*) The Amount of the nominal Capital of the Company, and the Number and Amount of Shares into which the same is divided:

(*b.*) The

(*b.*) The Amount per Share and the aggregate Amount paid up on the Shares:

(*c.*) The Assets or Property of the Company at the Date of the Return, and how invested:

(*d.*) The Names, Addresses, and Occupations of the Directors and Auditors of the Company:

(*e.*) The registered Office of the Company.

13. If and whenever any of such Mortgage Debentures shall be paid off by the Company, the Company may issue new Mortgage Debentures in lieu thereof, and so from Time to Time, provided that the aggregate Principal Sum secured by all the Mortgage Debentures then issued and outstanding shall not exceed either of the before-mentioned Limits.

Company may issue new Debentures in lieu of those paid off.

14. All the registered Securities for the Time being of the Company shall be charged with the Payment of the Principal Monies and Interest from Time to Time payable upon or in respect of all the Mortgage Debentures of the Company for the Time being issued and outstanding; and no registered Security, until discharged therefrom as herein-after provided, shall be applicable to or available for any other Purpose than the Satisfaction of such Principal Monies and Interest, or be transferred, disposed of, or otherwise dealt with by the Company, unless and until the same shall have been discharged from Registration in the Manner herein-after provided: Provided, nevertheless, that such Registration shall not prevent the Company from receiving, applying, and giving a valid Discharge for any Interest which may from Time to Time be receivable upon or in respect of any such Security, unless where a Receiver shall have been actually appointed under the Provisions of this Act.

Registered Securities charged with Payment of Debentures, and not applicable for any other Purpose until discharged from Registration.

15. The Persons from Time to Time entitled to the Company's Mortgage Debentures shall, proportionally, according to the Amount of the Monies secured thereby, be entitled one with another to the Benefit of the registered Securities of the Company upon which such Mortgage Debentures are founded, without any Preference one above another by reason of Priority of the Date of any such Mortgage Debenture or otherwise.

Rights of Holders of Mortgage Debentures.

16. Whenever any Person who has executed a Security which has been registered under the Provisions of this Act is entitled to redeem such Security, and has given Notice to the Company of his Intention so to do, the Company shall thereupon, and before the Day appointed for the Redemption, make Application to the Registrar for the Purpose of having such Security freed and discharged

Proceedings on Redemption of Securities.

charged from the Charge of the Mortgage Debentures issued by the Company, and upon a Security of at least equal Value, as certified by a Declaration of the Surveyor or Valuer before mentioned, being produced to him for Registration and being registered accordingly, or its being shown to his Satisfaction that at least an equivalent of Mortgage Debentures issued under the Provisions of this Act has been cancelled, he shall allow the same to be so freed and discharged, and shall cause an Entry to be made in the Register of Securities of the said Security being discharged, and shall redeliver to the Company the several Deeds or Instruments to which such Security relates, and which were delivered to the Registrar for Registration, under the Provisions herein-before contained, and such Entry shall be conclusive Evidence of such Discharge.

Owner of registered Security upon default of Company may obtain the Discharge thereof from Company's Debentures.

17. If the Company shall not have procured such Discharge, the Mortgagor or other Person entitled to redeem such Security may apply to the High Court of Chancery by Summons, calling upon the Company to show Cause why such Security is not so discharged, and upon hearing such Summons the Judge shall appoint a Day by which the Discharge shall be obtained, and in Default thereof shall order that the Amount of Principal and Interest Money due upon such Security shall, by a Day to be named in the Order, be paid into the Bank to the Credit of the Accountant General of the Court of Chancery, to the Account of the Company's Mortgage Debentures, and shall make such Order as to the Costs of and incidental to the Application as the Court may deem just.

Upon Production to and Deposit with the Land Registrar of such Order, together with the Accountant General's Certificate of such Payment into Court as aforesaid, the Registrar shall make an Entry in the proper Register of Securities, of the Discharge of such Security from the Company's Mortgage Debentures, and shall deliver to the Person named in such Order the several Deeds and Instruments to which such Security relates, and which were delivered to the Registrar under the Provisions herein contained.

Upon the Company proving to the Satisfaction of the Court, by the Production of a Certificate of the Registrar, either that a Security at least equal in Value to the Amount so paid into Court as aforesaid has been registered as aforesaid, or that an equivalent Amount of the Company's Mortgage Debentures has been cancelled, the Court shall direct the Payment out of Court to the Company of the Amount so paid in, together with any Dividends that may have accrued due thereon in the meantime.

Registrar to determine Fees.

18. There shall from Time to Time be paid by the Company or others, in respect of Business transacted under this Act by the Registrar,

Registrar, such Fees as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time prescribes; and there shall also be paid by the Company to the Registrar, the Assistant Registrar, and the other Officers and Servants of the Office respectively, such Remuneration for their respective Services in the Execution of this Act as the Lord Chancellor from Time to Time sanctions.

Collection of Fees.

19. The following Rules shall be observed with respect to the Collection of Fees:—

(*a.*) All Fees so payable shall be received by Stamps denoting the Amount of Fees payable, and not in Money;

(*b.*) When a Fee is payable in respect of a Document, a Stamp denoting the Amount of the Fee shall be affixed to the Document and properly cancelled;

(*c.*) The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies by this Act directed to be paid by Stamps.

Inspection of Register.

20. Subject to such Regulations and on Payment of such Fees as the Registrar, with the Sanction of the Lord Chancellor, from Time to Time prescribes, any Person may inspect and make Copies of and Extracts from the Register.

Company to make Quarterly Returns to Registrar.

21. When and so long as the Company issues any Mortgage Debentures under this Act, and from Time to Time so long as any Mortgage Debenture so issued remains outstanding, the Company shall, within Ten Days after every Quarter Day as herein-after defined, make out and deliver to the Registrar the Quarterly Return by this Act prescribed; and every Quarterly Return shall be verified by the Statutory Declaration of Two Directors, and the Manager, Secretary, or Accountant of the Company.

Quarter Days for Purposes of Act.

22. The Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of December in every Year shall be the Quarter Days for the Purposes of this Act.

Contents of Company's Quarterly Returns to Registrar.

23. Every Quarterly Return to be made by the Company to the Registrar shall be in the Form set forth in Form (C.) in the Schedule to this Act, or as near thereto as Circumstances may admit, and shall contain, with reference to the then last Quarterly Day, the following Particulars:

(*a.*) An Account of all the Securities of the Company's at that Time registered, showing the aggregate of all Principal Sums remaining secured thereby and unpaid, and showing also

also the aggregate Amount or the aggregate estimated Value of all Annuities and other periodical Payments secured thereby:

(*b.*) An Account showing the aggregate Amount or estimated Value of the Company's other Investments, and also the total Number and aggregate nominal Amount of the Shares of the Company's Capital held by Persons registered in the Company's Books as the Holders thereof, and the aggregate Amount paid up in respect of those registered Shares, and the aggregate Amount remaining to be paid thereon:

(*c.*) The Numbers and Dates of the several Mortgage Debentures issued by the Company and remaining in force, and the several Principal Sums secured by those Mortgage Debentures respectively, and the aggregate Amount thereof, and the Rates of Interest payable on those Principal Sums respectively, and the Time or Times for the Repayment of those Principal Sums respectively.

Estimate for Quarterly Returns of Amount or Value of Annuities.

24. The Amount or Value of the Annuities and other periodical Payments to be comprised in the Quarterly Returns shall be ascertained or estimated by an Actuary approved by the Registrar.

Total Amount of registered Securities.

25. The aggregate of all Principal Sums remaining secured by the registered Securities, together with the aggregate Amount or Value of the said Annuities as so ascertained or estimated, shall, for the Purposes of this Act, be deemed to be the total Amount for the Time being of the registered Securities of the Company.

Form of Mortgage Debenture.

26. Every Mortgage Debenture from Time to Time issued by the Company shall be a Deed under the Common Seal of the Company, duly stamped, as a Mortgage for the Amount secured, and bearing the Signatures of at least Two of the Directors, and the Counter-Signature of the Manager, Secretary, or Accountant of the Company, and shall be in accordance with the Form (D.) in the Schedule to this Act, or as near thereto as Circumstances admit.

Company to keep "Register of Securities."

27. The Company shall keep a Register, to be called the "Register of Securities," in which shall be entered the Date of every Deed or other Instrument registered at the Land Registry for the Purposes of this Act, its Nature, whether Mortgage, Grant of Annuity, Rentcharge, or other Security, the Amount of the Principal Money, or the Amount and Duration of the Annuity thereby secured, the Tenure, Extent, and Situation of the Property upon which

which the Security is taken, and if there are any Charges which take Priority of the Company's Security, then the Amount of such prior Charges.

Terms on which Mortgage Debentures may be issued.

28. The Mortgage Debentures shall be for the Payment of Principal Sums at a fixed Time, to be named therein, not less than Six Months nor exceeding Ten Years from the Date, with Interest thereon in the meantime, at such Rate as may be agreed, payable half-yearly or otherwise; and no Mortgage Debenture shall be issued for a less Principal Sum than Fifty Pounds.

Mortgage Debentures to be numbered.

29. The Mortgage Debentures shall be numbered consecutively, beginning with Number One, and every Mortgage Debenture shall be distinguished by its appropriate Number, and notwithstanding the Cancellation, Loss, or Destruction of a Mortgage Debenture, no other Mortgage Debenture shall bear the Number of that so cancelled, lost, or destroyed.

Indorsement to be made upon Mortgage Debenture.

30. There shall be indorsed upon every Mortgage Debenture issued under the Provisions of this Act,—

(*a.*) The Amount of the nominal Capital of the Company issuing the same:

(*b.*) The Number and Amount of the Shares into which such Capital is divided:

(*c.*) The Number of Shares issued and the Amount paid up in Money upon each Share so issued:

(*d.*) The Amount of the registered Securities of the Company as declared by the last Quarterly Return:

(*e.*) The registered Office of the Company.

Provided, that any Inaccuracies or Omissions in such Indorsements shall not affect or invalidate the Debenture.

List of Mortgage Debentures to be kept by Company.

31. A Book containing a List of Mortgage Debentures shall be kept by the Company's Secretary, and on the Issue of any Mortgage Debenture an Entry of the Number and Date thereof, and of the Principal Money secured thereby, and the Name, Description, and Residence of the Person to whom it is issued shall be entered in such Book.

Register of Mortgage Debentures.

32. There shall also be established and kept in the Office of Land Registry, by or under the Direction of the Registrar, in respect of every Company issuing Mortgage Debentures under this Act, a Register of the Mortgage Debentures of the Company.

Registration of Mortgage Debentures.

33. When any Mortgage Debenture of the Company is duly executed and stamped, the Company shall produce it to the Registrar, in order to its being registered, and thereupon the Registrar shall enter in the Register of Mortgage Debentures the Number and the Date of the Mortgage Debenture, the Amount of the Principal Money thereby secured, and the Time or Times for Repayment of the Principal Money thereby secured, and shall make on the Mortgage Debenture an Indorsement stating the Day on which the Mortgage Debenture was produced to him for Registration, and of the Page of the Book in which the Entry thereof is made; and without such an Indorsement, no Mortgage Debenture shall be a Charge under this Act upon the registered Securities of the Company.

Indorsement of Registrar.

34. The Indorsement of the Registrar on any Mortgage Debenture as herein-before mentioned shall be conclusive Evidence that it is a Mortgage Debenture duly registered under the Provisions of this Act.

No Notice of Trust to be received either by Company or Registrar.

35. No Notice of any Trust in respect of any Mortgage Debenture shall be receivable by the Company or the Registrar.

Entry in Register of Discharge of Mortgage Debenture.

36. When a Mortgage Debenture is produced by the Company to the Registrar, with a Receipt for the Monies secured thereby indorsed thereon, signed and stamped, he shall make in the Register of Mortgage Debentures an Entry of the Discharge thereof.

Transfer of Mortgage Debenture.

37. Every Mortgage Debenture may be transferred by Endorsement in the Form (E.) in the Schedule to this Act, or to the like Effect.

Entry of Transfers by Deed of Mortgage Debentures to be made by Company.

38. Within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Company's Secretary, and thereupon the Secretary shall make an Entry thereof in a Transfer Book; and after the Entry the Transfer shall entitle the Transferee to the full Benefit of the original Mortgage Debenture, so far as it is then in force; and no Person having made the Transfer shall have Power to make void, release, or discharge the Mortgage Debenture so transferred, or any Money thereby secured; and for the Entry the Company may demand not exceeding Two Shillings and Sixpence; and, until the Entry, the Company shall not be in any Manner responsible to, or bound to take Notice of, the Transferee in respect of the Mortgage Debenture.

39. The

Stamp Acts applied to Stamps under Act.

39. The several Acts from Time to Time in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to Documents on which the Stamps are impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if the Provisions were in this Act repeated and specially enacted with reference to those Stamps and Sums of Money respectively.

Application of Company's Assets, notwithstanding Mortgage Debenture.

40. Except as herein-before provided with respect to registered Securities, no Mortgage Debenture shall be a specific Charge on any Property or Effects of the Company, so as to preclude the Company from receiving and applying to its Purposes or otherwise dealing with any Part of its total available Assets.

Further Powers of Investment to Trustees.

41. In all Cases in which, by the Instrument creating the Trust, Trustees have a general power to invest Trust Monies in or upon the Security of Shares, Stock, Mortgages, Bonds, or Debentures of Companies incorporated by or acting under the Authority of an Act of Parliament, they may invest such Trust Monies on the Security of Mortgage Debentures duly issued under and in accordance with the Provisions of this Act.

Power to appoint Receiver.

42. Any Person for the Time being entitled to any Mortgage Debenture of the Company shall be empowered from Time to Time to enforce the Payment of any Arrears of Interest or Principal (as the Case may be) due on such Mortgage Debenture by procuring the Appointment of a Receiver in the Manner and subject to the Conditions herein-after mentioned.

Terms on which Power may be exercised.

43. If within Seven Days after the Interest accruing upon any Mortgage Debenture has become payable, and after Demand thereof in Writing made upon the Company by the Person entitled thereunto, such Interest be not paid, or if within Three Weeks after the Principal Money secured by any Mortgage Debenture has become payable, and after Demand thereof in Writing made as aforesaid, such Principal Money be not paid, the Person at the Time entitled to the Receipt of such Interest or Principal respectively may apply for the Appointment of a Receiver, as herein-after provided.

Saving Rights of Mortgagees to sue.

44. No such Application shall in any way prejudice or affect the Right of any Person entitled to any such Mortgage Debenture to sue for any such Interest or Principal Money, as the Case may be, in any Court of Law or Equity.

Application for Receiver.

45. Every Application for a Receiver in the Cases aforesaid may be made to the High Court of Chancery by Petition or by Summons at Chambers, and on any such Application the Court of Chancery may appoint a Receiver to act on behalf of the Applicant and the other Persons entitled to the Company's Mortgage Debentures.

Removal of Receiver.

46. The Court may also remove the Receiver, and appoint another in his Stead, and so from Time to Time, and may make such Orders and give such Directions as to the Powers and Duties of the Receiver, and otherwise as to the Disposal of the Monies received by him, as may be thought fit.

Powers and Duties of Receiver.

47. Subject to any such Orders and Directions, the Receiver shall be entitled to receive or recover the whole or a competent Part of the Principal Monies, Instalments, Annuities, Interest, and other Monies from Time to Time payable to the Company upon or in respect of their registered Securities, and also any Monies standing to the Account of the Company's Mortgage Debentures under the Provision of Section 18, until the Principal and Interest due on all the Debentures issued by the Company, together with all Costs, including the reasonable and proper Charges of such Receiver, shall have been fully paid; and upon such Appointment being made, and Notice thereof to the several Persons liable upon such registered Securities, all such Monies from Time to Time payable upon or in respect of such registered Securities shall be paid to and received or recovered by such Receiver; and the Receiver shall apply the same, as from Time to Time received or recovered by him, first to the Payment of all such Costs, and afterwards to the Discharge and Payment of all Interest, or Principal and Interest, as the Case may be, due upon such Mortgage Debentures; and after such Costs, and such Interest, or Principal and Interest, shall have been fully paid, the Power of such Receiver shall cease.

Court may stay Order for Receiver upon Terms.

48. The Court may order, as to any of the above-mentioned Powers and Duties, that the Receiver shall not exercise the same without the Sanction or further Direction of the Court; and the Court may, at any Time after an Order for the Appointment of a Receiver has been made, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it may deem fit.

Company not to issue Mortgage Debentures on ceasing to be entitled to avail itself of Act.

49. In case any Company shall cease to be entitled to issue Mortgage Debentures under this Act, such Company shall nevertheless have the Powers and be subject to the Provisions of this Act with respect to all Mortgage Debentures then issued and outstanding; but no Mortgage Debentures shall be issued or renewed

renewed by such Company upon any Ground or Pretence whatever after it shall have ceased to be so entitled.

Penalties in such Event.

50. In case any Company which shall not at the Time being be entitled to avail itself of the Provisions of this Act shall issue Mortgage Debentures under, or purporting to be under, the Provisions of this Act, or in case any Company entitled to avail itself of the Provisions of this Act shall at any Time issue Mortgage Debentures for an aggregate Principal Sum exceeding the Limit to which at the Time being they are entitled to issue, any Person who shall knowingly or wilfully be concerned in such Issue shall in every such Case forfeit the Sum of Five hundred Pounds.

How Penalties may be recovered.

51. Every Penalty herein-before provided may be sued for and recovered by any Person whosoever who will sue for the same, by Action in any of the Superior Courts of Law in England, or Ireland, or Scotland, according as the Offence has been committed in either of those Parts of the United Kingdom, together with full Costs of Suit.

No Company authorized to issue Mortgage Debentures to exceed its borrowing Powers.

52. Nothing in this Act contained shall authorize any Company entitled to borrow Money upon Mortgage Debentures under the Provisions of this Act to borrow, by means of such Mortgage Debentures or otherwise, a larger Sum than such Company would be entitled to borrow if this Act had not been passed; but nothing herein contained shall in any way restrict, limit, or interfere with any Power which the Company may have to borrow in any other Manner than by the Issue of Mortgage Debentures, or to ensure the Repayment of any Money so borrowed in any Manner except by Mortgage Debentures under this Act; or to dispose of or deal with such of their Securities as are not for the Time being registered under this Act, in the same Manner and as freely in all respects as if this Act had not been passed.

Registrar, &c. not personally liable for executing Act.

53. No Person, being the Registrar, Assistant Registrar, or other Officer or Servant of the Office of Land Registry, shall be liable to any Action, Suit, or other Proceeding, or any Claim or Demand, by reason of anything done bonâ fide by him in the Execution of this Act.

Provision for General Acts.

54. This Act shall not exempt the Company from the Provisions of any Act relating to Joint Stock Companies, and applicable to the Company.

Interpretation.

55. In the Construction of this Act all Words meaning or applying to Individuals only shall apply, mutatis mutandis, to Corporations also.

The SCHEDULE referred to in the foregoing Act.

FORM (A.)

FORM OF RETURN TO BE MADE BY THE COMPANY ON APPICATION TO REGISTRAR TO REGISTER SECURITIES.

Date of Company's Mortgage or other Security, and distinguishing Number of Letter.	Nature of Security, whether Mortgage, Grant of Annuity, Rentcharge, or other Security.	The Amount of Principal Money secured, or, if Rentcharge or Annuity, the Amount and Duration thereof, and the Annual or other Periodical Payment to be made on account thereof.	Tenure, whether Freehold, Copyhold, or Leasehold.	If the Company's Charge is upon any of the Securities comprised in Section 5 (*a*), set out the Extent and Situation of the Property on which the Mortgage or other Security is charged; if Land, state the Acreage, Parish, and County; if Houses, state the Town, Street, and No., if any, in addition to Parish and County.	Nature of the Mortgagors' or Grantors' Interest therein.	The Nature and Amount of the Prior Charges thereon (if any); if more than One Charge, set out each Charge separately.	If the Company's Charge is upon any of the Securities comprised in Section 5 (*b* and *c*), set out the Nature thereof, the Total Amount of the Principal Money originally advanced by the Company, and the Amount unpaid at the Date hereof, and the Authority, statutable or other, under which the same is issued.

We hereby certify that the above Return is correct.

A.B.
C.D.

FORM (B.)

FORM OF SURVEYOR'S OR VALUER'S DECLARATION.

[*Here insert a Copy of the Return to be made by the Company on Application to register Securities, distinguishing each Security by a separate Letter or Number.*]

I of do solemnly and sincerely declare, that the Information above contained with respect to the Security numbered or lettered is, to the best of my Information and Belief, correct, and that the Value of the Property above described (and, *if the Borrower's Interest is of a limited Nature*, the Value of the Borrower's Estate and Interest or the Property above described,) exceeds the Amount of £ , the Advance made by the Company in respect thereof (*if there are prior Charges*, and of the prior Charges thereon), to the Extent of One Third at least of such Value.

[*A separate*

[*A separate Declaration may be made in respect of each Security, and where the Mortgage or Charge is secured exclusively upon any of the Securities comprised in Sec.* 5 (b *and* c), *omit from the Word* "declare" *to the End, and insert* "to the best of my Information and Belief the Security above described, and numbered , is now of the Value of £ ."]

FORM (C.)

Form of Quarterly Return.

Mortgage Debenture Act, 1865.

The First Quarterly Return of the Company, with reference to the 30th Day of December 1865.

The registered Securities of the Company.

		£
1.	Aggregate Securities under Clause 5—*a* - -	150,000
2.	Aggregate Securities under Clause 5—*b* - -	20,000
3.	Aggregate Securities under Clause 5—*c* - -	10,000
		£ 180,000
4.	Other Investments - - - - -	16,500
5.	40,000 Shares of £50 each held by registered Holders - - - £ 2,000,000	
	Paid up thereon - - - 200,000	
	Remaining unpaid thereon - - -	£ 1,800,000

Liabilities.

Mortgage Debenture issued and in force.

No.	Date.	Yearly Rate per Cent. of Interest.	Time for Repayment of Principal.	Principal Sum secured.
				£
1	August 1, 1865	Four - - -	August 1, 1869	10,000
2	August 1, 1865	Four - - -	August 1, 1869	5,000
3	August 10, 1865	Three and Three Quarters	August 10, 1871	20,000
		and so on.		
			Total - £	

We hereby certify that the above Return is correct.

A.B.
C.D.

FORM (D.)

Form of Mortgage Debenture.

The Company.

Mortgage Debenture, No.

By virtue of the Mortgage Debenture Act, 1865, we, the Company, in consideration of £ paid to us by *A.B.*, of , do hereby charge all the registered Securities of the Company with the Payment to the said *A.B.*, his Executors, Administrators, and Assigns, of the Sum of £ , and Interest thereon at the Rate of , which Sum of £ is to be paid and payable to the said *A.B.*, his Executors, Administrators, and Assigns, at the [*Place*], on the Day of with Interest on the same at the Rate of per Cent. per Annum, payable half-yearly, at said Place, on every Day of and Day of and we hereby undertake to pay said Sum of £ and Interest at the Rate aforesaid, as above mentioned.

Given under our Common Seal, this Day of

A.B., Director.

C.D., Director.

Countersigned, *G.F.*, Secretary.

Registered

FORM (E.)

Form of Transfer of Mortgage Debenture.

I *A.B.* of in consideration of £ [*state true Consideration*] hereby transfer to *C.D.* of his Executors, Administrators, and Assigns, the within Mortgage Debenture.

(Signed) *A.B.*

Mortgage Debentures.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

To enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities.

(*Prepared and brought in by Lord Naas and Colonel Greville.*)

Ordered, by The House of Commons, *to be Printed,* 27 *April* 1865.

[Bill 119.]

Under 3 *oz.*

LORDS AMENDMENTS

TO THE

MORTGAGE DEBENTURES BILL.

Note.—*The Page and Number refer to the Bill* (107), *as first printed by the Lords.*

Page 2.

Clause 3. Line 2. Leave out ("or Letters Patent")

Line 9. Leave out ("Deed of Settlement")

Line 10. Leave out ("Letters Patent")

Line 11. Leave out ("authorized to carry out") and insert ("limited to")

Line 28. After ("mentioned") insert ("Provided that any Company already constituted under 'The Companies Act, 1862,' for the Purpose of making Advances on Real Securities, and whose Memorandum of Association includes but is not limited to the Objects herein-before specified, may, by special Resolution, in accordance with the Provisions of that Act, alter its Memorandum for the Purpose of limiting and so as to limit its Objects and Business to those so specified; and such Company shall thereupon be and become a Company constituting and carrying on Business under such altered Memorandum; and on its being shown to the Satisfaction of the Registrar herein-after mentioned that such Alteration has been made, and that all Obligations, if any, entered into by the Company in respect of the Business which prior to such special Resolution it was empowered to transact, other than the Business to which it will be limited after the passing of such special Resolution, have been discharged, and that the Articles of Association of the Company are in accordance with the altered Memorandum such, Company shall be deemed to be a Company within this Act, and entitled to the Benefits thereof")

Line 29. Leave out ("subscribed") and insert ("paid up")

Line 31. Leave out ("upon"), and leave out ("issued at least") and insert ("must be of the nominal Value of not less than Fifty

" Pounds, of which not less than "), and leave out from (" Tenth ") to (" must ") in Line 32. and insert (" nor more than One Half ")

Line 32. Leave out from (" up ") to the End of the Clause.

Page 3.

Clause 5. Line 15. Leave out (" not ")

Page 4.

Clause 11. Line 33. Leave out (" of its ") and after (" uncalled ") insert (" of its subscribed ")

Page 11.

Leave out Clause 40.

Page 12.

Clause 47. Line 17. Leave out (" 18 ") and insert (" 17 ")

Page 13.

Leave out Clause 52.

Page 15. (Schedule).

Line 17. After (" Investments ") insert (" (to be specifically " enumerated) ")

LORDS AMENDMENTS

TO THE

MORTGAGE DEBENTURES BILL.

Ordered, by The House of Commons, *to be Printed*,
23 *June* 1865.

[Bill 240.]

Under 1 *oz.*

A

B I L L

TO

Amend the Act Third and Fourth Victoria, Chapter One hundred and eight, for the Regulation of Municipal Corporations in Ireland.

Preamble. 3 & 4 Vict. c. 108.

WHEREAS it is expedient to amend an Act intituled "An "Act for the Regulation of Municipal Corporations in "Ireland," passed in the Fourth Year of Her Majesty, Chapter One hundred and eight, in certain Particulars: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, from and after the *First Day of January One thousand eight hundred and sixty-six*, as follows:

1. Whereas by the Fifty-ninth Section of the said Act it is enacted, that certain Writings therein mentioned should be delivered or left before the Fifth Day of September in any Year, and it is expedient to substitute the *Twentieth* Day for the Fifth Day of September: Be it enacted, That the said Section shall be read as if the Word *Twentieth* had been originally inserted therein, instead of the Word Fifth.

Senior Aldermen.

2. And whereas Doubts have arisen as to the Meaning of the Words "Senior Aldermen" in the Fifty-fourth Section of the said Act: Be it enacted, That these Words shall be taken to mean the Aldermen longest in Office in each Ward without Re-election, and that the Person succeeding any such Senior (except on Retirement by Rotation) shall be Successor as to Seniority also.

In the Case of Duties devolving by Acts of Parliament, or under other Ordinances, upon Senior Aldermen, or a select Number thereof, be it also enacted, That of the Senior Aldermen so defined, those shall be selected whose Names shall appear first in rotation, as numbered in the Schedule to the said first-recited Act.

Election of Ward Assessors.

3. Whereas in some Wards Difficulties have arisen in procuring qualified Burgesses for the Office of Ward Assessor: Be it therefore enacted, That in any Instance where a qualified Person cannot be had for the Office in any Ward, it shall and may be lawful to select a qualified Burgess for said Office from any other Ward.

Election of Mayor.

4. And whereas by the Eighty-third Section of the said Act it is enacted, that in case of an Equality of Votes in any Election of Mayor, "the Alderman who shall have been elected by the greatest "Number of Votes shall have a second or casting Vote," and it is expedient to amend this Provision so far as relates to any Election of Mayor, after the First Election of Mayor for any Borough or City: Be it enacted, That those Words shall be deemed to apply only to such First Election, and that at all subsequent Elections the Mayor for the Time being shall have such second or casting Vote.

Appointment of Deputy Mayor or "Locum tenens."

5. The Mayor of every City, Borough, and Town Corporate in Ireland may, from Time to Time, appoint an Alderman or Councillor of such City, Borough, or Town Corporate to act as the Deputy Mayor or "Locum tenens" during the Illness or Absence of the Mayor; and every such Appointment shall be signified in Writing to the Council, and shall be recorded in the Minutes of the Proceedings.

Such Deputy may perform all the Acts of Mayor except judicial ones, if not a Justice of the Peace.

6. Every Deputy appointed by the Mayor under the Provisions of this Act may, during the Illness or Absence of the Mayor, lawfully do and perform all Acts which the Mayor in his official Capacity might himself do and perform: Provided always, that no such Deputy, not being a Justice of the Peace, shall act as a Justice of the Peace or in any judicial Capacity, nor shall he preside at any Meeting of the Council unless specially appointed by the Meeting to do so.

7. *It*

Exemption of Roman Catholics from Oath prescribed by 10 G. 4. c. 7. s. 1.

7. *It shall not be obligatory for any Person who shall hereafter be placed, elected, or chosen to the Office of Mayor, Alderman, Councillor, Auditor, Borough or Ward Assessor of any City or Borough in Ireland, either before or upon his Admission to such Offices, to take the Oath provided and enjoined by an Act made in the Tenth Year of His Majesty King George the Fourth, intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects," Chapter Seven, Section One.*

Instead thereof the following Declaration shall be and is hereby substituted:

'I A.B. do hereby solemnly and truly declare that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, and that I will well and faithfully discharge the Duties of my Office of according to the best of my Ability.'

Bankruptcy or Insolvency of Members of the Council.

8. On the Notification in the Dublin Gazette of the Bankruptcy, Insolvency, or Composition by Deed or otherwise with his Creditors of any Member of the Council, the Town Clerk shall notify the same to the Council, and thereupon it shall be the Duty of the Council to carry out the Provisions of the Statute; and in case the said Council shall omit, neglect, or refuse so to do, that it shall be lawful for any Burgess of the Borough to apply, before the End of the Term following next but One, to the Court of Queen's Bench for a Mandamus to the Council to proceed to discharge the Duty imposed upon them by the Statute.

Appointment of Borough Treasurer during Pleasure.

9. And whereas the Office of Treasurer of the Borough is an Office of great Trust, and an annual Appointment to such Office is inconvenient and unnecessary: Be it therefore enacted, That so much of the Act Third and Fourth Victoria, Chapter One hundred and eight, as provides that the Council in every Borough shall in every Year appoint a fit Person to be Treasurer of such Borough, shall be and the same is hereby repealed, and that the Council in every Borough shall on Day of next after the *passing of this Act*, appoint a fit Person not being a Member of the Council to be the Treasurer of such Borough, who shall thenceforth hold his Office during the Pleasure of the Council for the Time being, and on the happening of any Vacancy thereafter by Death, Resignation, Dismissal, or otherwise, the Council shall proceed to the Appointment of a Successor, either at any of the General Quarterly Meetings of the Council, or at a Special Meeting to be convened for that Purpose, so that in no Case such Appointment shall be delayed beyond Twenty-one Days from the happening of the Vacancy.

Deputy Town Clerk.

10. And whereas Inconvenience has arisen and may hereafter arise by reason of the Town Clerk being unable during Illness or Absence from the Borough to appoint a Deputy to perform his Duties: Be it enacted, That the Town Clerk shall have Power, with the Consent of the Council, to appoint a fit Person to perform his Duties in the event of being unable to attend to them himself owing to Illness or any other Cause.

Increased Power to compel Attendance of Witnesses at Revision Court.

11. And whereas much Inconvenience has arisen and may hereafter arise in consequence of the Court of Revision not having sufficient Power to compel the Attendance of necessary Witnesses: Be it therefore enacted, That the Town Clerk shall have Power as Registrar of the Court to issue Summonses before the Sitting of the Court to compel the Attendance of Witnesses in the same Manner as the Clerks of the Peace at Sessions.

Appointment of Sheriffs.

12. In every Corporate Borough, being County of a City or County of a Town respectively, the Council shall on the Day of in every Year, select the Names of *Three* fit Persons for the Office of Sheriff to be submitted to the Lord Lieutenant, who shall, should the Names appear to him unobjectionable, select One therefrom to fill the Office of Sheriff for the ensuing Year; but in the event of none of the Names submitted appearing eligible to the Lord Lieutenant, he can require the Council to substitute others in their Stead.

The Period of Office to commence from the First Day of January in each Year, and the Person who at the Time of the passing of this Act shall hold the Office or execute the Duties of Sheriff in any City or Town shall continue to hold and execute the same until the First Appointment of a Sheriff therein under the Provisions of this Act.

Lighting Boroughs.

13. Notwithstanding anything to the contrary contained in any Act of Parliament, it shall and may be lawful for the Councils of all Boroughs named in Schedule (A.) of Third and Fourth Victoria, Chapter One hundred and eight, to avail themselves of the Twenty-fourth Section of the said Act for Lighting Purposes.

Municipal Corporations (Ireland) Act Amendment.

A

BILL

To amend the Act Third and Fourth Victoria, Chapter One hundred and eight, for the Regulation of Municipal Corporations in Ireland.

(*Prepared and brought in by Mr. Blake and Mr. M'Mahon.*)

Ordered, by The House of Commons, *to be Printed*, 7 *March* 1865.

[Bill 54.]

Under 1 *oz.*

A

B I L L

TO

Amend the Acts for the Establishment of a National Gallery in Dublin.

WHEREAS an Act was passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her Majesty, intituled "An Act to provide for "the Establishment of a National Gallery of Paintings, Sculpture, "and the Fine Arts, for the Care of a public Library, and the Erec- "tion of a public Museum, in Dublin:" And whereas a further Act was passed in the Session of Parliament held in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, intituled "An Act to amend an Act of last Session, to provide for the Estab- "lishment of a National Gallery of Paintings, Sculpture, and the "Fine Arts, for the Care of a public Library, and the Erection of "a public Museum, in Dublin:" And whereas it is by the said first-recited Act, amongst other things, enacted, that certain Persons therein named, together with such other Persons as the Lord Lieutenant should approve, should be Trustees for the Building therein-after mentioned, and that it should be lawful for such Trustees to receive such Sum of Money as might be subscribed, given, or contributed, or might from any Source become available, for the Purpose of erecting a suitable Building in Dublin, to be devoted in part to the fit Accommodation of a National Gallery of Paintings, Sculpture, Preamble. 17 & 18 Vict. c. 99. 18 & 19 Vict. c. 44. s. 1.

and the Fine Arts, and the Remainder to the Reception of a public
s. 4. Library; and it is by the same Act enacted, that "it should be law-
" ful for the Governors and Guardians of Archbishop Marsh's Library
" (anything in an Act of the Parliament of Ireland, intituled 'An
" 'Act for settling and preserving a public Library for ever in the
" 'House for that Purpose built by his Grace Narcissus then Lord
" 'Archbishop of Armagh, on Part of the Ground belonging to the
" 'Archbishop of Dublin's Palace near the City of Dublin,' passed in
" the Sixth Year of the Reign of Queen Anne, or otherwise, to the
" contrary notwithstanding,) to cause the said Library to be removed
" to the said Building so to be erected as soon as the same should be
" completed, and in a Condition to receive the said Library; provided
" always, that the said Governors and Guardians shall approve of
" the Plans and Arrangements of that Portion of the said Building
s. 7. " to be appropriated to the Reception of a public Library;" and
it was by the same Act further enacted, that certain Persons therein
mentioned, and their Successors, as therein-after directed, should be
and were thereby constituted a Body Corporate by the Name of the
Governors and Guardians of the National Gallery of Ireland, with
Power to the said Body Corporate to receive Devises, Bequests,
Donations, and Subscriptions (annual or otherwise) of Land,
Buildings, Money, and Works of Art, and to hold the same, and to
lay out such Sums of Money as they should so receive for the
Purposes of the National Gallery of Ireland in the Improvement
and Enlargement of the Collection of Works of Art presented to or
purchased for the said Gallery, or deposited therein, and the said
Body Corporate should have the entire and exclusive Possession,
Occupation, and Control, for the Purposes of their Trusts therein
mentioned, of those Portions of the said Building so to be erected
as therein-before mentioned, which should be, upon the Completion
of the said Building, set apart by the Building Trustees for the
Accommodation of the National Gallery of Ireland, and of all such
other Buildings, Enclosures, and Appurtenances as should or
might from Time to Time be required and obtained for the Pur-
s. 9. poses of the said National Gallery or any Part thereof, and that
the Building so to be erected should be constructed according to
such Plans and Specifications as should have been approved and
agreed upon by and between the said Building Trustees, the said
Governors and Guardians of the National Gallery of Ireland,
and the said Governors and Guardians of Archbishop Marsh's
s. 10 Library: And whereas it is by the said Act further enacted,
that "The Persons who for the Time being should compose
" the said respective Bodies Corporate, that is to say, the Governors
" and Guardians of the National Gallery of Ireland, and the Gover-
" nors and Guardians of Archbishop Marsh's Library, should be One
" Body

" Body Corporate, under the Name of the Joint Trustees of the " National Gallery of Ireland and of Marsh's Library," and so soon as the said Building so to be erected as aforesaid should have been completed the said Building Trustees shall declare it to be so by an Instrument under the Hands of them or of any Three of them, and thereupon the said Building, together with the Ground whereon the same should have been erected, should become and be vested in the said last-mentioned Body Corporate for ever, subject nevertheless to the exclusive Possession, Occupation, and Control of those Portions of the said Building respectively to be occupied by the said Governors and Guardians of the National Gallery of Ireland, and the said Governors and Guardians of Archbishop Marsh's Library, for the Purposes of their respective Trusts as aforesaid: And whereas by Indenture bearing Date the Fourth Day of August One thousand eight hundred and fifty-five, and made between the Right Honourable Sidney Herbert of Belgrave Square in the Parish of Saint George, Hanover Square, in the County of Middlesex, M.P., of the one Part, and the Royal Dublin Society for promoting Husbandry and other useful Arts in Ireland of the other Part, reciting as therein recited, the said Right Honourable Sidney Herbert, in pursuance of the Power and Authority for that Purpose given and reserved by the therein and herein-before recited Act of the Seventeenth and Eighteenth Years of Her present Majesty Queen Victoria, and of any other Power in that Behalf enabling him, and for the Considerations therein mentioned, granted and demised unto the said Royal Dublin Society all that and those that Piece or Parcel of Ground lying between the House of the said Society and the Flagway on the East Side of Merrion Square (which said Piece or Parcel of Land is commonly called " Leinster Lawn "), containing in the whole Three Acres Three Roods and Thirty-six Perches Statute Measure, and situate, lying, and being in the Parish of Saint Peter and County of the City of Dublin, and which said Piece or Parcel of Ground is, as to its Contents, Dimensions, Abuttals, and Boundaries, more particularly described in the Map or Plan annexed thereto, together with all and singular the Messuages and Tenements, and all Erections and Buildings to be built and erected thereon, and all Rights, Easements, Ways, Paths, Passages, Waters, Watercourses, Profits, Commodities, and Appurtenances whatsoever to the said Piece or Parcel of Ground belonging or in anywise appertaining, to hold the same, with the Appurtenances, unto the said Royal Dublin Society and its Successors for ever, at and subject to the yearly Fee-farm Rent of Two hundred and seventy-seven Pounds Seven Shillings and Ninepence, payable half-yearly, as therein mentioned, and subject to the Performance of the Covenants and Conditions

Indenture of Lease of 4th Aug. 1855 from the Right Hon. Sidney Herbert to the Royal Dublin Society.

therein contained: And whereas in pursuance of the Provisions in that Behalf contained in the said firstly herein recited Act the Premises comprised in the said Lease, with the Sanction of the Board of Trade and Navigation, have been divided between the said Society and the said Building Trustees, and a certain Portion thereof has been appropriated for the Purpose of the said National Gallery and Library, and the Rent of One hundred Pounds per Annum has been, with the like Sanction, ascertained as the Amount of the Rent payable in respect of the said Portion so appropriated as aforesaid: And whereas the Building by the said first-recited Act authorized and intended for the said National Gallery and Library has been erected on the said Portion of the Premises so comprised in the said Lease of the Fourth Day of August One thousand eight hundred and fifty-five, at an Expense of Twenty-eight thousand Pounds and upwards, the whole of which (with the Exception of a Sum of Five thousand Pounds, received by Subscriptions of Individuals for the Purpose of commemorating the eminent public Services of William Dargan, Esquire, in founding and sustaining the Great Industrial Exhibition of 1853, in Dublin,) has been voted by Parliament: And whereas, in consideration of the said Sum of Five thousand Pounds so raised by Subscription, an equal Sum of Five thousand Pounds has been or is proposed to be voted by Parliament in aid of the Purchase of Pictures, and it is also intended to grant to the said Royal Dublin Society a Sum of Three thousand Pounds, to be applied by them in the Purchase of a certain Piece of Ground adjoining their Premises, in lieu of the Piece of Ground forming the Site of the said Building intended for the said National Gallery and Library as aforesaid, and in consequence of such Grant of Three thousand Pounds the said Royal Dublin Society have agreed to pay the entire of said Rent of Two hundred and seventy-seven Pounds Seven Shillings and Ninepence: And whereas the Governors of Marsh's Library have declined to remove their Library to the Part of the said Building designed for the Reception of same; and it is expedient that the said Building, with the Ground on which the same has been erected, with the Rights, Members, and Appurtenances thereunto belonging, should be vested in the public Body herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of s. 10. of 17 & 18 Vict. c. 99.

1. The Tenth Section of said firstly herein-recited Act is hereby repealed for all Intents and Purposes.

The Commissioners of Public

2. The Commissioners of Public Works for the Time being in Ireland shall be a Body Corporate for the Purposes of this Act, and shall

shall have a Common Seal and perpetual Succession, and shall and may take, purchase, and hold Lands and Real Estates and other Property, in trust for the Purposes of this Act. Works to be a Corporation.

3. The said Building so erected and intended for the said National Gallery and Library, and the Lands and Ground forming the Site thereof, containing in front to Merrion Square One hundred and twenty-four Feet, in rear on the West Side Sixty-six Feet, on the South Side Three hundred and eighty-three Feet, and on the North Three hundred and fifteen Feet, be the said several Admeasurements more or less, with all Enclosures thereunto belonging, being the Portion of the said demised Premises so appropriated for the said National Gallery as herein aforesaid, together with all Ways, Easements, and Privileges thereto appertaining or therewith enjoyed, shall be and the same are hereby vested in the Commissioners of Public Works in Ireland, and their Successors, for all the Term and Interest created by the said recited Lease of the Fourth Day of August One thousand eight hundred and fifty-five, in trust for Her Majesty and Her Successors, subject to the Payment to the said Royal Dublin Society and their Successors of the annual Rent of *One hundred Pounds* by Two half-yearly Payments on every Twenty-fifth Day of March and Twenty-ninth Day of September in each Year during the said Term, the first Payment of the said Rent to be made on the Twenty-ninth Day of September One thousand eight hundred and sixty-five, and subject to the Observance of the Covenants and Conditions in the said Lease contained, so far as regards the said Premises so vested in the said Commissioners of Public Works as aforesaid; and the said Royal Dublin Society shall have all Remedies for the Recovery of the said Rent as are incident to a Rent reserved upon a Demise for Years. The Building and Grounds vested in the Commissioners of Public Works.

In case the aforesaid Sum of Three thousand Pounds shall at any Time hereafter be advanced and paid to the said Royal Dublin Society out of Public Monies, then from and after such Payment the said annual Rent of *One hundred Pounds* so payable to the said Royal Dublin Society shall cease and determine. In case 3,000*l.* advanced the Rent of 100*l.* per Annum to cease.

Provided always, that it shall be lawful for the Governors and Guardians of the National Gallery to use and occupy all that Portion of the said Building now used and occupied by them for the Purpose of the National Gallery, together with the free Use of all Ways and Entrances leading to and from the same; and, subject as aforesaid, all the Residue of the said Building and Premises shall be held by the Commissioners of Public Works, their Successors and Assigns, for such Purposes and Uses connected with the Advancement of the Fine Arts or of Science and Literature as may Proviso as to Use and Occupation of Portion of the Building by the Governors and Guardians of National Gallery.

from Time to Time be directed by the Lords Commissioners of Her Majesty's Treasury.

The whole of the Rent of 277*l.* 7*s.* 9*d.* to be paid by the Society.

The whole of the said Rent of Two hundred and seventy-seven Pounds Seven Shillings and Ninepence so reserved by the said Lease of the Fourth Day of August One thousand eight hundred and fifty-five shall be paid by the Royal Dublin Society, and the said Society shall indemnify the said Commissioners of Public Works, and the said Land and Building so vested in them as aforesaid, of and from all Actions, Suits, Costs, and Charges whatsoever by reason of the Nonpayment of the said Rent, or the Nonobservance of the Covenants and Conditions in the said Lease contained on the Part of the Lessees, so far as the same relate to the Premises demised thereby, other than the Portion thereof so hereby vested in the said Commissioners.

National Gallery (Dublin).

A

B I L L

To amend the Acts for the Establishment of a National Gallery in Dublin.

(Prepared and brought in by Mr. Peel and Mr. Luke White).

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1865.

Bill 203.] *Under* 1 *oz.*

A

BILL

INTITULED

An Act to amend The Naval Discipline Act, 1864.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Amendment of Act of 1864 as to minimum Term of Penal Servitude.

1. With respect to any Sentence of Penal Servitude passed after the passing of this Act under The Naval Discipline Act, 1864, Paragraph (4.) of Section Forty-nine of that Act shall have Effect as if the Words "not less than Five Years" were substituted therein for the Words "not less than Three Years."

Short Title.

2. This Act may be cited as The Naval Discipline Act Amendment Act, 1865.

Naval Discipline Act Amendment.

A

B I L L

INTITULED

An Act to amend The Naval Discipline Act, 1864.

(*Brought from the Lords* 30 *June* 1865.)

Ordered, by The House of Commons, *to be Printed*, 30 *June* 1865.

[Bill 254.]

Under 1 *oz.*

Naval and Marine Pay and Pensions Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Interpretation.
3. Payment of Naval and Marine Pay and Pensions according to Order in Council.
4. Restrictions on Assignment of Pay, &c. of Seamen, and of Half Pay, &c. of Officers.
5. Exemption from Stamp Duty.
6. Proof to be given by Masters claiming Pay of Apprentices.
7. Saving for Naval Agency Act.
8. Saving for Naval Discipline Act.
9. Saving for Power of Secretary of State as to Pensions.
10. Orders in Council.
11. Orders in Council to be gazetted.
12. Commencement of Act.

A

B I L L

FOR

Regulating the Payment of Naval and Marine Pay and Pensions.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Naval and Marine Pay and Pensions Act, 1865.

Interpretation.

2. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Officer" means a Commissioned, Warrant, or Subordinate Officer, or Assistant Engineer in Her Majesty's Naval or Marine Force:

The Term "Seaman or Marine" means and includes a Petty Officer or Seaman, Non-commissioned Officer of Marines, or Marine, or other Person forming Part in any Capacity of the Complement of any of Her Majesty's Vessels, or otherwise belonging to Her Majesty's Naval or Marine Force (not being an Officer within the Meaning of this Act).

Payment of Naval and Marine Pay and Pensions according to Order in Council.

3. All Naval and Marine Pay and Pensions (that is to say, all Pay, Wages, Pensions, Bounty Money, Grants, or other Allowances in the Nature thereof,) payable in respect of Services in Her Majesty's Naval or Marine Force to a Person being or having been an Officer, Seaman, or Marine, or to the Widow or any Relative of a deceased Officer, Seaman or Marine, shall be paid in such Manner, and subject to such Restrictions, Conditions, and Provisions as are from Time to Time directed by Order in Council.

Restrictions on Assignment of Pay, &c. of Seamen, and of Half Pay, &c. of Officers.

4. Any Assignment, Sale, or Contract of or relating to any Naval or Marine Pay or Pension, payable to a Person being or having been a Subordinate Officer, Seaman, or Marine, or payable to the Widow or any Relative of a deceased Subordinate Officer, Seaman, or Marine,—or of or relating to any Marine Half Pay,—or of or relating to any Allowance from the Compassionate Fund,—or of or relating to any Pension payable to the Widow of an Officer,—made or entered into after the *Commencement of this Act*, shall be void, unless it is made or entered into under the Authority of and in conformity with the Provisions of an Order in Council under this Act.

Exemption from Stamp Duty.

5. All Bills, Orders, Receipts, and other Instruments drawn, given, or made under the Authority or in pursuance of an Order in Council under this Act, by, to, or upon any Person in the Service of Her Majesty or of the Admiralty, shall be exempt from Stamp Duty.

Proof to be given by Masters claiming Pay of Apprentices.

6. If the Wages of a Seaman or Marine are claimed under an Indenture of Apprenticeship by a Master, they shall be paid to the Seaman or Marine, and not to the Master, unless the Master produces the Indenture, with satisfactory Proof that it was in full Force during the Period for which he claims the Wages, and that the Apprentice was at the Time of the Execution of the Indenture under the Age of *Eighteen Years*, and had not previously been at Sea.

Saving for Naval Agency Act.

7. Nothing in this Act shall apply to any Money distributable under The Naval Agency and Distribution Act, 1864.

Saving for Naval Discipline Act.

8. Nothing in this Act shall authorize the making by Order in Council of any Rule inconsistent with any Provision affecting Naval or Marine Pay or Pensions contained in The Naval Discipline Act, 1864, or any Act for the like Purposes for the Time being in force.

Saving for Power of Secretary of State as to Pensions.

9. Nothing in this Act shall take away or abridge any Power vested in One of Her Majesty's Principal Secretaries of State relative to Naval Pensions.

10. Her

10. Her Majesty in Council may from Time to Time make such Orders in Council as seem meet for the better Execution of any of the Purposes of this Act. Orders in Council.

11. Every Order in Council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within *Thirty* Days after the making thereof if Parliament is then sitting, and if not then within *Thirty* Days after the next meeting of Parliament. Orders in Council to be gazetted.

12. This Act shall commence on such Day, not later than the Day of *One thousand eight hundred and sixty-six*, as Her Majesty in Council thinks fit to direct. Commencement of Act.

Any Order in Council for the better Execution of any of the Purposes of this Act may nevertheless be made before that Day, but not so as to commence before it.

Naval and Marine Pay and Pensions.

A

BILL

For regulating the Payment of Naval and Marine Pay and Pensions.

(*Prepared and brought in by Lord Clarence Paget and Mr. Childers.*)

Ordered, by The House of Commons, *to be Printed,* 29 *May* 1865.

[Bill 182.]

Under 1 *oz.*

Naval and Marine Pay and Pensions Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Interpretation.
3. Payment of Naval and Marine Pay and Pensions according to Order in Council.
4. Prohibition of Assignment of Pensions, &c.
5. Prohibition of Assignment of Wages, &c.
6. Exemption from Stamp Duty.
7. Proof to be given by Masters claiming Pay of Apprentices.
8. Saving for Naval Agency Act.
9. Saving for Naval Discipline Act.
10. Saving for Power of Secretary of State as to Pensions.
11. Orders in Council.
12. Orders in Council to be gazetted.
13. Commencement of Act.

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Regulating the Payment of Naval and Marine Pay and Pensions.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Naval and Marine Pay and Pensions Act, 1865.

Interpretation.

2. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Officer" means a Commissioned, Warrant, or Subordinate Officer, or Assistant Engineer in Her Majesty's Naval or Marine Force:

The Term "Seaman or Marine" means and includes a Petty Officer or Seaman, Non-commissioned Officer of Marines, or Marine, or other Person forming Part in any Capacity of the Complement of any of Her Majesty's Vessels, or otherwise belonging to Her Majesty's Naval or Marine Force (not being an Officer within the Meaning of this Act).

Payment of Naval and Marine Pay and Pensions according to Order in Council.

3. All Pay, Wages, Pensions, Bounty Money, Grants, or other Allowances in the Nature thereof, payable in respect of Services in Her Majesty's Naval or Marine Force to a Person being or having been an Officer, Seaman, or Marine, or to the Widow or any Relative of a deceased Officer, Seaman or Marine, shall be paid in such Manner, and subject to such Restrictions, Conditions, and Provisions as are from Time to Time directed by Order in Council.

Prohibition of Assignment of Pensions, &c.

4. Any Assignment, Sale, or Contract made after the Commencement of this Act by an Officer, Seaman, or Marine entitled to any Naval Pension,—or by a Person entitled to a Pension as the Widow of an Officer,—or by a Person entitled to an Allowance from the Compassionate Fund,—or by a Person entitled to any Marine Half Pay,—of or in relation to such Pension, Allowance, or Half Pay, shall be void.

Prohibition of Assignment of Wages, &c.

5. Any Assignment, Sale, or Contract made after the Commencement of this Act, of or relating to any Pay, Wages, Bounty Money, Grants, or other Allowances in the Nature thereof, payable in respect of Services in Her Majesty's Naval or Marine Force to a Person being or having been a Subordinate Officer, Seaman, or Marine, shall be void.

Exemption from Stamp Duty.

6. All Bills, Orders, Receipts, and other Instruments drawn, given, or made under the Authority or in pursuance of an Order in Council under this Act, by, to, or upon any Person in the Service of Her Majesty or of the Admiralty, shall be exempt from Stamp Duty.

Proof to be given by Masters claiming Pay of Apprentices.

7. If the Wages of a Seaman or Marine are claimed under an Indenture of Apprenticeship by a Master, they shall be paid to the Seaman or Marine, and not to the Master, unless the Master produces the Indenture, with satisfactory Proof that it was in full Force during the Period for which he claims the Wages, and that the Apprentice was at the Time of the Execution of the Indenture under the Age of Eighteen Years, and had not previously been at Sea.

Saving for Naval Agency Act.

8. Nothing in this Act shall apply to any Money distributable under The Naval Agency and Distribution Act, 1864.

Saving for Naval Discipline Act.

9. Nothing in this Act shall authorize the making by Order in Council of any Rule inconsistent with any Provision affecting Naval or Marine Pay or Pensions contained in The Naval Discipline Act, 1864, or any Act for the like Purposes for the Time being in force.

10. Nothing

10. Nothing in this Act shall take away or abridge any Power vested in One of Her Majesty's Principal Secretaries of State relative to Naval Pensions. Saving for Power of Secretary of State as to Pensions.

11. Her Majesty in Council may from Time to Time make such Orders in Council as seem meet for the better Execution of any of the Purposes of this Act. Orders in Council.

12. Every Order in Council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within Thirty Days after the making thereof if Parliament is then sitting, and if not then within Thirty Days after the next meeting of Parliament. Orders in Council to be gazetted.

13. This Act shall commence on such Day, not later than the First Day of January One thousand eight hundred and sixty-six, as Her Majesty in Council thinks fit to direct. Commencement of Act.

Any Order in Council for the better Execution of any of the Purposes of this Act may nevertheless be made before that Day, but not so as to commence before it.

Naval and Marine Pay and Pensions.

A

BILL

[AS AMENDED IN COMMITTEE]

For regulating the Payment of Naval and Marine Pay and Pensions.

(Prepared and brought in by Lord Clarence Paget and Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,* 1 *June* 1865.

[Bill 190.]

Under 1 *oz.*

Navy and Marines (Property of Deceased) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Interpretation.
3. Residue belonging to Deceased Officers, Seamen, or Marines.
4. Residue belonging to deceased Persons in Civil Service of Navy.
5. Residue exceeding 100*l.* to be paid to Representative.
6. Residue not exceeding 100*l.* to be paid to Representative, if any.
7. Power to require Certificate, &c. before Representation.
8. Residue not exceeding 100*l.*, and no Representation, Power to pay it for Widow, &c.
9. Provision for Payment of Debts out of Residue.
10. Admiralty to dispose of Residue for Six Months.
11. Saving for existing Claims.
12. Disposal of Medals and Decorations.
13. Exemptions from Duty.
14. Validity of Payments, Sales, &c. under this Act.
15. Orders in Council.
16. Orders in Council to be gazetted.
17. Commencement of Act.

A

B I L L

TO

Regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Navy and Marines (Property of Deceased) Act, 1865.

Interpretation.

2. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Officer" means a Commissioned, Warrant, or Subordinate Officer, or Assistant Engineer, in Her Majesty's Naval or Marine Force:

The Term "Seaman or Marine" means and includes a Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, or other Person forming Part, in any Capacity, of the Complement of any of Her Majesty's Vessels, or otherwise belonging to Her Majesty's Naval or Marine Force (not being an Officer within the Meaning of this Act):

The Term "Representation" includes Probate and Letters of Administration, with or without Will annexed:

The Term "Representative" means any Person taking out Representation:

The Term "Person" includes a Corporation.

Residue belonging to deceased Officers, Seamen, or Marines.

3. On the Death of any Person being or having been an Officer, Seaman, or Marine, the Amount (if any) to the Credit of the Deceased in the Books of the Admiralty, in respect of Sale of Effects, Arrears of Pay, Wages, Prize Money, Bounty Money, Grants, or other Allowances in the Nature thereof, or other Money payable by the Admiralty (which Amount is hereafter in this Act, with reference to every such Case, called the Residue), shall be disposed of according to the Provisions of this Act.

Residue belonging to deceased Persons in Civil Service of Navy.

4. On the Death of any Person being or having been employed in any of Her Majesty's Dockyards or other Naval Establishment, or in any of the Civil Departments of the Navy, or entitled to an Allowance from the Compassionate Fund, or of any Widow entitled to a Pension on the Establishment of the Navy, the Amount (if any) payable in the Naval Department (which Amount is hereafter in this Act, with reference to every such Case, called the Residue), shall be disposed of according to the Provisions of this Act.

Residue exceeding 100*l.* to be paid to Representative.

5. Where the Residue exceeds *One hundred Pounds* the Admiralty shall dispose thereof by paying it to the Representative of the Deceased.

Residue not exceeding 100*l.* to be paid to Representative, if any.

6. Where the Residue does not exceed *One hundred Pounds* it shall not be necessary for any Purpose that Representation to the Deceased be taken out; but in any Case the Admiralty may, if they think fit, require Representation to be taken out, and, if on that Requisition or otherwise, Representation is taken out, then the Admiralty shall dispose of the Residue by paying it to the Representative.

Power to require Certificate, &c. before Representation.

7. In the Case, nevertheless, of a Seaman or Marine, the Admiralty shall not be bound to pay the Residue (whatever be its Amount) to the Representative of the Deceased, if Representation has been taken out either by a Creditor as such, or by any Person without such Certificate respecting the Title to Representation having been first obtained from the Admiralty, or such other Regulations or Conditions having been duly observed or performed, as is or are prescribed by Order in Council; and in any such Case the Admiralty

ralty shall dispose of the Residue in pursuance of this Act as if Representation had not been taken out.

Residue not exceeding 100*l.*, and no Representation, Power to pay it for Widow, &c.

8. Where the Residue does not exceed *One hundred Pounds*, and Representation is not taken out, then, subject to the other Provisions of this Act, the Admiralty shall dispose of the Residue as follows :—

(1.) They shall, if they think fit, pay the Residue to any Person showing herself or himself to their Satisfaction to be entitled to take out Representation to the Deceased (otherwise than as a Creditor)—to the end that the Residue may be applied by the Person to whom it is so paid in a due Course of Administration; and the same shall be so applied accordingly (for which Application the Admiralty may require such Security as they think fit) :

(2.) Or else the Admiralty shall, if they think fit, pay to the Persons (if any) beneficially interested in the Residue their respective Shares thereof:

(3.) And in Cases where the foregoing Provisions of the present Section do not apply, and the Amount of the Residue appears to the Admiralty insufficient to cover the Expense of Representation, the Admiralty shall dispose of the Residue in manner prescribed by Order in Council.

Provision for Payment of Debts out of Residue.

9. In the Case of a Seaman or Marine, where Representation is not taken out, the Admiralty shall before disposing of the Residue or any Part thereof satisfy out of the Residue (as far as the same will extend) any Debt of the Deceased of which they have Notice, subject to the following Conditions :

First.—That the Debt accrued due within *Three Years* before the Death :

Second.—That Payment of it is claimed within *Two Years* after the Death :

Third.—That the Claimant proves the Debt to the Satisfaction of the Admiralty.

In any such Case, any Person claiming to be a Creditor of the Deceased shall not be entitled to obtain Payment of his Debt out of any Money being under this Act in the Hands of the Admiralty by any Means or Proceeding whatever except by means of a Claim lodged with the Admiralty and Proceedings thereon under and according to this Act.

Admiralty not to dispose of Residue for Six Months.

10. Notwithstanding anything in this Act, the Admiralty shall not in any Case dispose of the Residue or any Part thereof otherwise than by paying the same to the Representative of the Deceased, until after the Expiration of *Six Months* from the Receipt by the Admiralty of Notice of the Death.

 11. Nothing

Saving for existing Claims.

11. Nothing in this Act shall prejudicially affect the Claim of any Creditor in respect of a Debt incurred before the Commencement of this Act.

Disposal of Medals and Decorations.

12. Medals and Decorations belonging to an Officer, Seaman, or Marine dying on Service shall not be considered as comprised in the Personal Estate of the Deceased with reference to the Claims of Creditors, or for any of the Purposes of Administration under this Act or otherwise; and, notwithstanding anything in this or any other Act, the same shall be held and disposed of according to Regulations prescribed by Order in Council.

Exemptions from Duty.

13. Where the Residue does not exceed *One hundred Pounds* and is administered and disposed of under this Act without Representation being taken out, it shall not be liable to the Payment of any Duty; and if in any Case the Admiralty under this Act require Security by Bond for the Application of a Residue in due course of Administration, the Bond shall be exempt from Stamp Duty where an ordinary Administration Bond relative to the same Residue would be so exempt; but this Provision shall not affect any Exemption from Duty existing independently hereof.

Validity of Payments, Sales, &c. under this Act.

14. Every Payment or Application of Money, and every Sale or other Disposition of Property, made by the Admiralty in pursuance of this Act, or of any Order in Council for carrying this Act into effect, shall be good and valid as against all Persons whomsoever; and the Admiralty shall be by virtue of this Act absolutely discharged from all Liability in respect of the Money or other Property so paid, applied, or disposed of.

Orders in Council.

15. Her Majesty in Council may from Time to Time make such Orders in Council as seem meet for the better Execution of any of the Purposes of this Act.

Orders in Council to be gazetted.

16. Every Order in Council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within *Thirty Days* after the making thereof if Parliament is then sitting, and if not, then within *Thirty Days* after the next meeting of Parliament.

Commencement of Act.

17. This Act shall commence on such Day, not later than the Day of *One thousand eight hundred and sixty-six*, as Her Majesty in Council thinks fit to direct.

Any Order in Council for the better Execution of any of the Purposes of this Act may nevertheless be made before that Day, but not so as to commence before it.

Navy and Marines (Property of Deceased).

A

B I L L

To regulate the Disposal of Money and Effects under the Control of the Admiralty belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons.

(*Prepared and brought in by Lord Clarence Paget and Mr. Childers.*)

Ordered, by The House of Commons, *to be Printed*, 29 *May* 1865.

[Bill 181.]

Under 1 *oz.*

Navy and Marines (Property of Deceased) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Interpretation.
3. Residue belonging to Deceased Officers, Seamen, or Marines.
4. Residue belonging to deceased Persons in Civil Service of Navy.
5. Residue exceeding 100*l.* to be paid to Representative.
6. Residue not exceeding 100*l.* to be paid to Representative, if any.
7. Power to require Certificate, &c. before Representation.
8. Residue not exceeding 100*l.*, and no Representation, Power to pay it for Widow, &c.
9. Admiralty not to dispose of Residue for Three Months, &c.
10. Provision for Payment of Debts out of Residue.
11. Saving for existing Claims.
12. Disposal of Medals and Decorations.
13. Exemptions from Duty.
14. Validity of Payments, Sales, &c. under this Act.
15. Orders in Council.
16. Orders in Council to be gazetted.
17. Commencement of Act.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Navy and Marines (Property of Deceased) Act, 1865.

Interpretation.

2. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Officer" means a Commissioned, Warrant, or Subordinate Officer, or Assistant Engineer, in Her Majesty's Naval or Marine Force:

The Term "Seaman or Marine" means a Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, or a Petty Officer or Man of the Royal Naval Reserve or Naval Coast Volunteers, or other Person forming Part, in any Capacity, of the Complement of any of Her Majesty's Vessels, or otherwise belonging to Her Majesty's Naval or Marine Force (not being an Officer within the Meaning of this Act):

The Term "Representation" includes Probate and Letters of Administration, with or without Will annexed:

The Term "Representative" means any Person taking out Representation:

The Term "Person" includes a Corporation.

Residue belonging to deceased Officers, Seamen, or Marines.

3. On the Death of any Person being or having been an Officer, Seaman, or Marine, the Amount (if any) to the Credit of the Deceased in the Books of the Admiralty, in respect of Sale of Effects, Arrears of Pay, Wages, Prize Money, Bounty Money, Grants, or other Allowances in the Nature thereof, or other Money payable by the Admiralty (which Amount is hereafter in this Act, with reference to every such Case, called the Residue), shall be disposed of according to the Provisions of this Act.

Residue belonging to deceased Persons in CivilService of Navy.

4. On the Death of any Person being or having been employed in any of Her Majesty's Dockyards or other Naval Establishment, or in any of the Civil Departments of the Navy, or entitled to an Allowance from the Compassionate Fund, or of any Widow entitled to a Pension on the Establishment of the Navy, the Amount (if any) due by the Admiralty (which Amount is hereafter in this Act, with reference to every such Case, called the Residue), shall be disposed of according to the Provisions of this Act.

Residue exceeding 100*l.* to be paid to Representative.

5. Where the Residue exceeds One hundred Pounds the Admiralty shall dispose thereof by paying it to the Representative of the Deceased.

Residue not exceeding 100*l.* to be paid to Representative, if any.

6. Where the Residue does not exceed One hundred Pounds it shall not be necessary for any Purpose that Representation to the Deceased be taken out; but in any Case the Admiralty may, if they think fit, require Representation to be taken out, and, if on that Requisition or otherwise, Representation is taken out, then the Admiralty shall dispose of the Residue by paying it to the Representative.

Power to require Certificate, &c. before Representation.

7. In the Case, nevertheless, of a Seaman or Marine, the Admiralty shall not be bound to pay the Residue (whatever be its Amount) to the Representative of the Deceased, if Representation has been taken out either by a Creditor as such, or by any Person without such Certificate respecting the Title to Representation having been first obtained from the Admiralty, or such other Regulations or Conditions having been duly observed or performed, as is or are prescribed by Order in Council; and in any such Case the Admiralty shall dispose of the Residue in pursuance of this Act as if Representation had not been taken out.

8. Where

Residue not exceeding 100*l.*, and no Representation, Power to pay it for Widow, &c.

8. Where the Residue does not exceed *One hundred Pounds*, and Representation is not taken out, then, subject to the other Provisions of this Act, the Admiralty shall, as soon as may be, dispose of the Residue as follows :—

(1.) They shall, if they think fit, pay the Residue to any Person showing herself or himself to their Satisfaction to be entitled to take out Representation to the Deceased (otherwise than as a Creditor)—to the end that the Residue may be applied by the Person to whom it is so paid in a due Course of Administration; and the same shall be so applied accordingly (for which Application the Admiralty may require such Security as they think fit) :

(2.) Or else the Admiralty shall, if they think fit, pay to the Persons (if any) beneficially interested in the Residue their respective Shares thereof :

(3.) And in Cases where the foregoing Provisions of the present Section do not apply, and the Amount of the Residue appears to the Admiralty insufficient to cover the Expense of Representation, the Admiralty shall dispose of the Residue in manner prescribed by Order in Council.

Admiralty not to dispose of Residue for Three Months, &c.

9. Notwithstanding anything in this Act, the Admiralty shall not in any Case dispose of the Residue or any Part thereof otherwise than by paying the same to the Representative of the Deceased, until after the Expiration of Three Months from the Receipt by the Admiralty of Notice of the Death, unless in special Circumstances it appears to the Admiralty safe and proper to dispose of the Residue or any Part thereof at an earlier Time.

Provision for Payment of Debts out of Residue.

10. In the Case of a Seaman or Marine, where Representation is not taken out, the Admiralty shall before disposing of the Residue or any Part thereof satisfy out of the Residue (as far as the same will extend) any Debt of the Deceased of which they have Notice, subject to the following Conditions :

First.—That the Debt accrued due within Three Years before the Death :

Second.—That Payment of it is claimed within Two Years after the Death :

Third.—That the Claimant proves the Debt to the Satisfaction of the Admiralty.

Fourth.—That Six Months have elapsed from the Receipt of the Admiralty of Notice of the Death, and no Person has shown herself or himself to the Satisfaction of the Admiralty to be entitled to take out Representation to the Deceased.

In any such Case, any Person claiming to be a Creditor of the Deceased shall not be entitled to obtain Payment of his Debt out of any Money being under this Act in the Hands of the Admiralty by any Means or Proceeding whatever except by means of a Claim

lodged with the Admiralty and Proceedings thereon under and according to this Act.

Saving for existing Claims.

11. Nothing in this Act shall prejudicially affect the Claim of any Creditor in respect of a Debt incurred before the Commencement of this Act.

Disposal of Medals and Decorations.

12. Medals and Decorations belonging to an Officer, Seaman, or Marine dying on Service shall not be considered as comprised in the Personal Estate of the Deceased with reference to the Claims of Creditors, or for any of the Purposes of Administration under this Act or otherwise; and, notwithstanding anything in this or any other Act, the same shall be held and disposed of according to Regulations prescribed by Order in Council.

Exemptions from Duty.

13. Where the Residue does not exceed One hundred Pounds and is administered and disposed of under this Act without Representation being taken out, it shall not be liable to the Payment of any Duty; and if in any Case the Admiralty under this Act require Security by Bond for the Application of a Residue in due course of Administration, the Bond shall be exempt from Stamp Duty where an ordinary Administration Bond relative to the same Residue would be so exempt; but this Provision shall not affect any Exemption from Duty existing independently hereof.

Validity of Payments, Sales, &c. under this Act.

14. Every Payment or Application of Money, and every Sale or other Disposition of Property, made by the Admiralty in pursuance of this Act, or of any Order in Council for carrying this Act into effect, shall be good and valid as against all Persons whomsoever; and the Admiralty shall be by virtue of this Act absolutely discharged from all Liability in respect of the Money or other Property so paid, applied, or disposed of.

Orders in Council.

15. Her Majesty in Council may from Time to Time make such Orders in Council as seem meet for the better Execution of any of the Purposes of this Act.

Orders in Council to be gazetted.

16. Every Order in Council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within Thirty Days after the making thereof if Parliament is then sitting, and if not, then within Thirty Days after the next meeting of Parliament.

Commencement of Act.

17. This Act shall commence on such Day, not later than the First Day of January One thousand eight hundred and sixty-six, as Her Majesty in Council thinks fit to direct.

Any Order in Council for the better Execution of any of the Purposes of this Act may nevertheless be made before that Day, but not so as to commence before it.

Navy and Marines (Property of Deceased).

A

B I L L

[AS AMENDED IN COMMITTEE]

To regulate the Disposal of Money and Effects under the Control of the Admiralty belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons.

(*Prepared and brought in by Lord Clarence Paget and Mr. Childers.*)

Ordered, by The House of Commons, *to be Printed,* 1 *June* 1865.

[Bill 189.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

NAVY AND MARINES (PROPERTY OF DECEASED) BILL.

Note.—*The Page and Line refer to the Bill* (178.) *as printed by the Lords.*

Page 1. *Clause* 2.

Line 15. Leave out from ("Marine") to ("or") in Line 17. and insert ("or a Petty Officer or Man of the Royal Naval Reserve or "Naval Coast Volunteers")

Page 3. *Clause* 8.

Line 20. After ("Council") insert Clause (A.)

"Clause (A.) In the Case of a Seaman or Marine, the Admiralty "shall not pay the Residue or any Part thereof to any Nominee "of the Representative of the Deceased or of a Person entitled "to take out Representation to the Deceased, whether such "Nominee be appointed by Power of Attorney or otherwise, "unless in special Circumstances it appears to the Admiralty safe "and proper to make such Payment to any such Nominee."

Page 3. *Clause* 10.

Line 39. Leave out ("of") and insert ("by")

[Bill 253.]

LORDS AMENDMENTS

TO THE

NAVY AND MARINES (PROPERTY OF DECEASED) BILL.

Ordered, by The House of Commons, *to be Printed*,
30 *June* 1865.

[Bill 253.]

Under 1 *oz.*

Navy and Marines (Wills) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Interpretation.
3. Will made before Entry ineffectual as to Wages, &c.
4. Will invalid if combined with Power of Attorney.
5. Regulations for Wills of Seamen, &c. as to Wages, &c.
6. Execution of Wills made by Prisoners of War.
7. Will executed according to Act valid.
8. Commencement of Act.
9. Publication of Orders in Council.

A

B I L L

TO

Make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Short Title.

1. This Act may be cited as The Navy and Marines (Wills) Act, 1865.

Interpretation.

2. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral :

The Term "Seaman or Marine" means and includes a Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, or other Person forming Part, in any Capacity, of the Complement of any of Her Majesty's Vessels, or otherwise belonging to Her Majesty's Naval or Marine Force, exclusive of Commissioned, Warrant, and Subordinate Officers, and Assistant Engineers, and of Kroomen.

Will made before Entry ineffectual as to Wages, &c.

3. A Will made after the *Commencement of this Act* by any Person who enters into Service as a Seaman or Marine before he so enters shall not be valid to pass any Wages, Prize Money, Bounty Money, Grant, or other Allowance in the Nature thereof, or other Money payable by or in charge of the Admiralty.

Will invalid if combined with Power of Attorney.

4. A Will made after the *Commencement of this Act* by any Person while serving as a Seaman or Marine shall not be valid for any Purpose if it is written or contained on or in the same Paper, Parchment, or Instrument with a Power of Attorney.

Regulations for Wills of Seamen, &c. as to Wages, &c.

5. A Will made after the *Commencement of this Act* by any Person while serving as a Seaman or Marine, or when he has ceased so to serve, shall not be valid to pass any Wages, Prize Money, Bounty Money, Grant, or other Allowance in the Nature thereof, or other Money payable by or in charge of the Admiralty, unless it is executed in conformity with the following Provisions:—

(1.) Every such Will shall be executed with the Formalities required by the Law of England in the Case of Persons not being Soldiers in actual Military Service or Mariners or Seamen at Sea:

(2.) Where the Will is made on board One of Her Majesty's Ships, One of the Two requisite attesting Witnesses shall be a Commissioned Officer, Chaplain, or Warrant or Subordinate Officer belonging to Her Majesty's Naval or Marine or Military Force:

(3.) Where the Will is made elsewhere than on board One of Her Majesty's Ships, One of the Two requisite attesting Witnesses shall be such a Commissioned Officer or Chaplain or Warrant or Subordinate Officer as aforesaid, or the Governor, Agent, Physician, Surgeon, Assistant Surgeon, or Chaplain of a Naval Hospital at home or abroad, or a Justice of the Peace, or the Incumbent, Curate, or Minister of a Church or Place of Worship in the Parish where the Will is executed, or a British Consular Officer, or an Officer of Customs, or a Notary Public.

Execution of Wills made by Prisoners of War.

6. Notwithstanding anything in this or any other Act, a Will made after the Commencement of this Act by a Seaman or Marine while he is a Prisoner of War shall (as far as regards the Execution thereof) be valid to pass any Wages, Prize Money, Bounty Money, Grant, or other Allowance in the Nature thereof, or other Money payable by or in charge of the Admiralty, if it is executed as follows:—

(1.) If it is signed by him, and his Signature thereto is made or acknowledged by him in the Presence of and is in his

his Presence attested by One Witness, being either a Commissioned Officer or Chaplain belonging to Her Majesty's Naval or Marine or Military Force, or a Warrant or Subordinate Officer of Her Majesty's Navy, or the Agent of a Naval Hospital, or a Notary Public:

(2.) If the Will is executed according to the Forms required by the Law of the Place where it is made:

(3.) If the Will is executed with the Formalities required by the Law of England in the Case of Persons not being Soldiers in actual Military Service or Mariners or Seamen at Sea.

Will executed according to Act valid.

7. Every Will executed in conformity with the Provisions of this Act shall, as regards any Wages, Prize Money, Bounty Money, Grant, or other Allowance in the Nature thereof, or other Money payable by or in charge of the Admiralty, be deemed to be well executed for the Purpose of being admitted to Probate in England; and the Person taking out Representation to the Testator under such Will shall exclusively be deemed the Testator's Representative, with respect to such Wages or other Money as aforesaid.

Commencement of Act.

8. This Act shall commence on such Day, not later than the Day of *One thousand eight hundred and sixty-six*, as Her Majesty in Council thinks fit to direct; nevertheless Her Majesty in Council may, if it seems fit, with reference to any Places out of the United Kingdom, direct that this Act do not commence there, respectively, until a Time after that Day, and with respect to every such Place the Time so appointed shall be deemed the Time of Commencement of this Act.

Publication of Orders in Council.

9. Every Order in Council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within *Thirty Days* after the making thereof, if Parliament is then sitting, and if not, then within *Thirty Days* after the next meeting of Parliament.

Navy and Marines (Wills).

A

BILL

To make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines.

(*Prepared and brought in by Lord Clarence Paget and Mr. Childers.*)

Ordered, by The House of Commons, *to be Printed,* 29 *May* 1865.

[Bill 180.]

Under 1 *oz.*

Navy and Marines (Wills) Bill.

[AS AMENDED IN COMMITEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Interpretation.
3. Will made before Entry ineffectual as to Wages, &c.
4. Will invalid if combined with Power of Attorney.
5. Regulations for Wills of Seamen, &c. as to Wages, &c.
6. Wills made by Prisoners of War.
7. Payment under Will not in conformity with Act.
8. Commencement of Act.
9. Publication of Orders in Council.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Navy and Marines (Wills) Act, 1865. Short Title.

2. In this Act— Interpretation.

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Seaman or Marine" means and includes a Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, or other Person forming Part, in any Capacity, of the Complement of any of Her Majesty's Vessels, or otherwise belonging to Her Majesty's Naval or Marine Force, exclusive of Commissioned, Warrant, and Subordinate Officers, and Assistant Engineers, and of Kroomen.

Will made before Entry ineffectual as to Wages, &c.

3. A Will made after the Commencement of this Act by any Person at any Time previously to his entering into Service as a Seaman or Marine shall not be valid to pass any Wages, Prize Money, Bounty Money, Grant, or other Allowance in the Nature thereof, or other Money payable by the Admiralty, or any Effects or Money in charge of the Admiralty.

Will invalid if combined with Power of Attorney.

4. A Will made after the Commencement of this Act by any Person while serving as a Seaman or Marine shall not be valid for any Purpose if it is written or contained on or in the same Paper, Parchment, or Instrument with a Power of Attorney.

Regulations for Wills of Seamen, &c. as to Wages, &c.

5. A Will made after the Commencement of this Act by any Person while serving as a Seaman or Marine, or when he has ceased so to serve, shall not be valid to pass any Wages, Prize Money, Bounty Money, Grant, or other Allowance in the Nature thereof, or other Money payable by the Admiralty, or any Effects or Money in charge of the Admiralty, unless it is made in conformity with the following Provisions:—

(1.) Every such Will shall be in Writing and be executed with the Formalities required by the Law of England in the Case of Persons not being Soldiers in actual Military Service or Mariners or Seamen at Sea:

(2.) Where the Will is made on board One of Her Majesty's Ships, One of the Two requisite attesting Witnesses shall be a Commissioned Officer, Chaplain, or Warrant or Subordinate Officer belonging to Her Majesty's Naval or Marine or Military Force:

(3.) Where the Will is made elsewhere than on board One of Her Majesty's Ships, One of the Two requisite attesting Witnesses shall be such a Commissioned Officer or Chaplain or Warrant or Subordinate Officer as aforesaid, or the Governor, Agent, Physician, Surgeon, Assistant Surgeon, or Chaplain of a Naval Hospital at home or abroad, or a Justice of the Peace, or the Incumbent, Curate, or Minister of a Church or Place of Worship in the Parish where the Will is executed, or a British Consular Officer, or an Officer of Customs, or a Notary Public.

A Will made in conformity with the foregoing Provisions shall, as regards such Wages, Money, or Effects, be deemed to be well made for the Purpose of being admitted to Probate in England; and the Person taking out Representation to the Testator under such Will shall exclusively be deemed the Testator's Representative, with respect to such Wages, Money, or Effects.

Wills made by Prisoners of War.

6. Notwithstanding anything in this or any other Act, a Will made after the Commencement of this Act by a Seaman or Marine while

while he is a Prisoner of War shall (as far as regards the Form thereof) be valid for all Purposes if it is made in conformity with the following Provisions:—

(1.) If it is in Writing and is signed by him, and his Signature thereto is made or acknowledged by him in the Presence of and is in his Presence attested by One Witness, being either a Commissioned Officer or Chaplain belonging to Her Majesty's Naval or Marine or Military Force, or a Warrant or Subordinate Officer of Her Majesty's Navy, or the Agent of a Naval Hospital, or a Notary Public:

(2.) If the Will is made according to the Forms required by the Law of the Place where it is made:

(3.) If the Will is in Writing and executed with the Formalities required by the Law of England in the Case of Persons not being Soldiers in actual Military Service or Mariners or Seamen at Sea.

Payment under Will not in conformity with Act.

7. Notwithstanding anything in this Act, in case of a Will made after the Commencement of this Act by any Person while serving as a Marine or Seaman, and being either in actual Military Service or a Mariner or Seaman at Sea, the Admiralty may pay or deliver any Wages, Prize Money, Bounty Money, Grant or other Allowance in the Nature thereof, or other Money payable by the Admiralty or any Effects or Money in charge of the Admiralty, to any Person claiming to be entitled thereto under such Will, though not made in conformity with the Provisions of this Act, if, having regard to the special Circumstances of the Death of the Testator, the Admiralty are of opinion that compliance with the Requirements of this Act may be properly dispensed with.

Commencement of Act.

8. This Act shall commence on such Day, not later than the First Day of January One thousand eight hundred and sixty-six, as Her Majesty in Council thinks fit to direct; nevertheless Her Majesty in Council may, if it seems fit, with reference to any Places out of the United Kingdom, direct that this Act do not commence there, respectively, until a Time after that Day, and with respect to every such Place the Time so appointed shall be deemed the Time of Commencement of this Act.

Publication of Orders in Council.

9. Every Order in Council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within Thirty Days after the making thereof, if Parliament is then sitting, and if not, then within Thirty Days after the next meeting of Parliament.

Navy and Marines (Wills).

A

BILL

[AS AMENDED IN COMMITTEE]

To make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines.

(Prepared and brought in by Lord Clarence Paget and Mr. Childers.)

Ordered, by The House of Commons, *to be Printed,* 1 *June* 1865.

[Bill 188.]

Under 1 *oz.*

A

B I L L

TO

Empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University.

WHEREAS it is expedient to extend the Powers of making Statutes possessed by the University of Oxford: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That the said University may, with the view of better promoting the teaching and Study of the Law in the said University, vary by Statute all or any of the Directions, Trusts, and Regulations now in force relating to the Vinerian Professorship and the Vinerian Fellowship and Scholarships respectively, and to the Application of the Funds held in trust by the said University under the Will of Charles Viner, Esquire, deceased: Provided, that Part of the Income of such Funds shall always be applied to the teaching of Law, and the Residue towards encouraging the Study of the Law, by means of a Scholarship or Scholarships, and that the Name of the said CharlesViner, or the Title Vinerian, shall always be retained in connexion with the said Foundation: Provided also, that the Interests University may make Statutes as to the Vinerian Foundation.

of the present Professor, Fellow, and Scholars respectively on the said Vinerian Foundation shall not, without their respective Consents, be altered or affected by any such Statute; but every Person who, after the *passing of this Act*, may be elected a Vinerian Professor, or Fellow, or Scholar, shall be subject to any Statute to be afterwards made by the University under the Powers of this Act, as fully as if he had been elected under such Statute.

Provisions of Oxford University Act, 1862, to apply to Statutes under this Act.

2. All the Provisions of the Oxford University Act, 1862, as to Statutes of the University passed by virtue thereof, shall extend and apply to Statutes of the University made by virtue of this Act; and the Oxford University Act, 1862, and this Act, shall be construed together as One Act.

Short Title of Act.

3. This Act may be cited for all Purposes as the "Oxford University Act, 1865."

Oxford University (Vinerian Foundation).

A

BILL

To empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University.

(*Prepared and brought in by Mr. Attorney General, Mr. Chancellor of the Exchequer, and Mr. Neate.*)

Ordered, by The House of Commons, *to be Printed*, 7 *April* 1865.

[Bill 107.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

OXFORD UNIVERSITY (VINERIAN FOUNDATION) BILL.

Note.—*The Page and Line refer to the Bill* (79.) *as printed by the Lords.*

Page 1.

Line 14. After ("Law") insert ("and Equity")

Line 16. Leave out ("a Scholarship") and insert ("Fellowships"), and after ("Scholarships") insert ("or both")

[Bill 175.]

LORDS AMENDMENTS

TO THE

OXFORD UNIVERSITY (VINERIAN FOUNDATION) BILL.

Ordered, by The House of Commons, *to be Printed*,
26 *May* 1865.

[Bill 175.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy; and for other Purposes.

Preamble. 17 G. 3. c. 63. 21 G. 3. c. 66. 7 G. 4. c. 66. 1 & 2 Vict. c. 23.

WHEREAS under the Provisions of the several Acts passed in the Sessions held in the Seventeenth Year of the Reign of His late Majesty King George the Third, Chapter Fifty-three, in the Twenty-first Year of the same Reign, Chapter Sixty-six, in the Seventh Year of the Reign of His late Majesty King George the Fourth, Chapter Sixty-six, and in the First and Second Years of the Reign of Her present Majesty, Chapter Twenty-three, the Incumbent of a Benefice is authorized and empowered, with the Consents in the said Acts specified, to borrow and take up at Interest a Sum of Money exceeding One Year's but not exceeding Three Years net Income of his Benefice, for the Purpose of building, repairing, or purchasing a House and other necessary Buildings, or a proper Site for such House and other necessary Buildings, to be used as the Parsonage or Glebe House and Offices for his Benefice, and as a Security for the Money so to be borrowed to mortgage the Glebe Tithes, Rentcharges, Rents, and other Profits and Emoluments of his Benefice for the Term of Thirty-five Years, the Principal so borrowed being repayable by Thirty annual Instalments, with Interest to accrue due thereon:

And whereas it is expedient to extend the Provisions of the said Acts and to provide for the other Purposes herein-after expressed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Provisions of recited Acts relating to repairing, re-building, or acquiring Houses of Residence, &c.

1. The Incumbent of any Benefice may, according to the Provisions of and with the Consents required by the said Acts, and by any Act or Acts amending or referring to the same, borrow and take up at Interest on Mortgage as provided by the same Acts, or any of them, for the Purposes of the same Acts or any of them, or for the Purposes of the Act passed in the Session held in the Fifty-fifth Year of the Reign of His said Majesty King George the Third, Chapter One hundred and forty-seven, or for the Purpose of purchasing any Lands or Hereditaments not exceeding Twelve Acres, contiguous to or desirable to be used or occupied with the Parsonage House or Glebe belonging to such Benefice, or for the Purpose of building any Offices, Stables, or Outbuildings, or Fences necessary for the Occupation or Protection of such Parsonage, or for the Purpose of restoring, re-building, or repairing the Fabric of the Chancel of the Church of such Benefice (in any Case where such Incumbent is or shall be liable to repair or sustain the Fabric of such Chancel), or for the Purpose of building, improving, enlarging, or purchasing any Farm House or Farm Buildings, or Labourers Dwelling Houses, with the Appurtenances belonging to or desirable to be acquired for any Farm or Lands appertaining to such Benefice, any Sum or Sums of Money not being less than One hundred Pounds, and not exceeding Three Years net Income of such Benefice; and out of the Sum to be borrowed it shall be lawful to pay the Charges and Expenses of the Architect or Surveyor who shall be employed in or about any of the Purposes aforesaid, and also the Costs and Expenses of and incidental to the Preparation of the Mortgage Deed or Deeds, and of and incidental to any Purchase by the said Acts or this Act authorized to be made.

Governors of Queen Anne's Bounty may sell Lands, &c. given to them for their general Purposes.

2. It shall be lawful for the Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy, absolutely to sell and dispose of, either altogether or in Parcels, and either by Public Sale or by Private Contract, for such Sum or Sums of Money as to the said Governors shall seem fair and reasonable, all Houses, Lands, Tithes, Tithe Rentcharges, and Hereditaments of what Nature or Kind soever which may have been or shall hereafter be given, devised, or conveyed to or acquired by the said Governors for the Purpose generally of augmenting the

the Maintenance of the Poor Clergy; and the Monies to arise from every such Sale shall be paid to the said Governors, and the Receipts of their Treasurer for the Time being shall be sufficient Discharges for the said Monies, and shall effectually release and exonerate the Person or Persons paying the same from all Responsibility in respect of the Application thereof; and the said Monies when so received shall be applied and disposed of by the said Governors for the Benefit and Augmentation of Benefices in such and the same Manner according to the Rules and Regulations of the said Governors as the general Funds and Profits of the said Governors are applicable and disposable.

Powers of recited Acts extended to this Act.

3. All the Powers, Authorities, Provisions, Forms, and Matters in the herein-before mentioned Acts contained shall, except as herein otherwise is provided, extend and be applicable mutatis mutandis to all the Purposes of this Act and of the said herein-before mentioned Acts, as if the same had been respectively repeated and set forth herein.

Corporations and Persons under Disability or Incapacity authorized to convey Houses and Lands for Parsonages.

4. It shall be lawful for the Principal Officer of any public Department holding any Messuages, Buildings, Lands, Tenements, or Hereditaments for or on behalf of Her Majesty, or otherwise for the public Use or the Use of such Department, and for every Body politic, corporate, or collegiate, and Corporation aggregate or sole, and for all Trustees, Guardians, Commissioners, or other Persons having the Control, Care, or Management of any Hospital, School, Charitable Foundation, or other public Institution, and for all other Persons by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey or release Lands by any Assurance under the Hand and Seal or under the Common Seal, as the Case may be, of such Principal Officer, Body, or Corporation, or under the Hands and Seals or Hand and Seal of such Trustees, Guardians, Commissioners, or other Persons or Person to grant and convey or release, either by way of voluntary Gift or of Sale to the said Governors in Fee Simple or otherwise, any Messuages, Buildings, Lands, Tenements, or Hereditaments to be used as and for Parsonages or Residences for Incumbents of Benefices, or the Outbuildings, Yards, Gardens, or Appurtenances thereto, or as and for Sites or for enlarging Sites for such Parsonages or Residences or the Outbuildings, Yards, Gardens, or Appurtenances thereto, and all such Assurances may be made according to the Form contained in the Twentieth Section of the Act passed in the First Year of Her Majesty's Reign, Chapter Twenty, or as near thereto as the Circumstances of the Case will admit, or in any other Form which the said Governors may approve; but no such Assurance or Assurances

from the same Body or Persons otherwise than upon a Sale for the fair Value shall comprise (including the Site of any Buildings) more than One Acre, and upon every such Assurance by way of Sale the Purchase Money may be paid to the Seller or Sellers, or as he or they shall appoint, and the Receipt of them or him or their or his Appointees shall be a sufficient Discharge for the same, except that in the Case of a Sale for more than Twenty Pounds by a Tenant for Life or other Person having only a partial Estate, the Purchase Money shall be paid to and applied by Two Trustees in manner provided by the Seventy-first Section of "The Lands Clauses Consolidation Act, 1845."

Five of the Governors may form a Quorum.

5. To facilitate the Despatch of the Business of the said Governors any Five of the said Governors, Three of whom at least shall be Archbishops or Bishops, shall make a Quorum for the future, and be sufficient at any Court for the Despatch, by Majority of Votes, of all Business of the said Governors.

Parsonages.

A

B I L L

INTITULED

An Act further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy; and for other Purposes.

(*Brought from the Lords 9 June 1865.*)

Ordered, by The House of Commons, *to be Printed,* 12 *June* 1865.

[Bill 205.] *Under* 1 *oz.*

A

B I L L

TO

Amend the Law of Partnership.

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

The Advance of Money on Contract to receive a Share of Profits or to share the Loss not to constitute the Lender a Partner.

1. The Advance of Money by way of Loan to a Person engaged or about to engage in any Trade upon a Contract with such Person that the Lender shall receive a Rate of Interest varying with the Profits, or shall receive a Share of the Profits or bear a Share of the Loss arising from carrying on such Trade or Undertaking, shall not, of itself, constitute the Lender a Partner with the Person or the Persons carrying on such Trade, or render him responsible as such.

Lender not to rank with other Creditors in case of Insolvency.

2. In the event of any such Trader as aforesaid being adjudged a Bankrupt, or dying in insolvent Circumstances, the Lender of any such Loan as aforesaid shall not be entitled to receive any Portion of his Principal, or of the Profits or Interest payable in respect of such Loan, until the Claims of the other Creditors of the said Trader

for valuable Consideration in Money or Money's Worth have been satisfied.

The Remuneration of Agents, &c. by Share of Profits not to make them Partners.

3. No Contract for the Remuneration of a Servant or Agent of any Person engaged in any Trade or Undertaking by a Share of the Profits of such Trade or Undertaking shall, of itself, render such Servant or Agent responsible as a Partner therein.

Certain Annuitants not to be deemed Partners.

4. No Person being the Widow or Child of the deceased Partner of a Trader, and receiving by way of Annuity a Portion of the Profits made by such Trader in his Business, shall, by reason only of such Receipt, be deemed to be a Partner of or to be subject to any Liabilities incurred by such Trader.

Interpretation.

5. In the Construction of this Act the Word "Person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

Partnership Amendment.

A

BILL

To amend the Law of Partnership.

(*Prepared and brought in by*
Mr. Dodson, Mr. Milner Gibson, and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
6 *March* 1865.

[Bill 52.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law of Partnership.

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Advance of Money by way of Loan to a Person engaged or about to engage in any Trade upon a Contract in Writing with such Person that the Lender shall receive a Rate of Interest varying with the Profits, or shall receive a Share of the Profits arising from carrying on such Trade or Undertaking, shall not, of itself, constitute the Lender a Partner with the Person or the Persons carrying on such Trade, or render him responsible as such. The Advance of Money on Contract to receive a Share of Profits not to constitute the Lender a Partner.

2. No Contract for the Remuneration of a Servant or Agent of any Person engaged in any Trade or Undertaking by a Share of the Profits of such Trade or Undertaking shall, of itself, render such Servant or Agent responsible as a Partner therein nor give him the Rights of a Partner. The Remuneration of Agents, &c. by Share of Profits not to make them Partners.

Certain Annuitants not to be deemed Partners.

3. No Person being the Widow or Child of the deceased Partner of a Trader, and receiving by way of Annuity a Portion of the Profits made by such Trader in his Business, shall, by reason only of such Receipt, be deemed to be a Partner of or to be subject to any Liabilities incurred by such Trader.

Receipt of Profits in consideration of Sale of Goodwill not to make the Seller a Partner.

4. No Person receiving by way of Annuity or otherwise a Portion of the Profits of any Business, in consideration of the Sale by him of the Goodwill of such Business, shall, by reason only of such Receipt, be deemed to be a Partner of or be subject to the Liabilities by the Person carrying on such Business.

Lender not to rank with other Creditors in case of Insolvency.

5. In the event of any such Trader as aforesaid being adjudged a Bankrupt, or entering into an Arrangement to pay his Creditors less than Twenty Shillings in the Pound, or dying in insolvent Circumstances, the Lender of any such Loan as aforesaid shall not be entitled to recover any Portion of his Principal, or of the Profits or Interest payable in respect of such Loan, nor shall any such Servant or Agent, or such Widow or Child, or such Vendor of a Goodwill, as aforesaid, be entitled to recover any such Profits as aforesaid until the Claims of the other Creditors of the said Trader for valuable Consideration in Money or Money's Worth have been satisfied.

Interpretation.

6. In the Construction of this Act the Word "Person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

Partnership Amendment.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law of Partnership.

(*Prepared and brought in by*
Mr. Dodson, Mr. Milner Gibson, and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
19 *May* 1865.

[Bill 156.]

Under 1 *oz.*

A.

B I L L

TO

Continue and amend the Peace Preservation (Ireland) Act, 1856.

WHEREAS by an Act passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty, Chapter Twenty-four, the "Peace Preservation (Ireland) Act, 1856," as the same is amended by the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and thirty-eight, was continued in force until the First Day of July One thousand eight hundred and sixty-four, and until the End of the then next Session of Parliament: And whereas it is expedient that the said "Peace Preservation (Ireland) Act, 1856," should be further amended and continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The printed Copies of every Proclamation, Abstract, and Notice to be issued under the Provisions of the said last-mentioned Act shall be posted on or near to the Doors of all Places of public Worship and of every Police Station and Barrack within the District named in such Proclamation by some One or more of the Constables or Sub-Constables of the Constabulary Force; and as soon Printed Copies of every Proclamation, &c. to be issued under last-mentioned Act

to be posted, &c.

soon as may be after any Constable or Sub-Constable shall have posted any such printed Copies within such District, or any Part thereof, he shall verify such posting by a solemn Declaration annexed to such printed Copy, to be made before a Justice of the Peace in the Form or to the Effect specified in the Schedule to this Act annexed; and such Constable or Sub-Constable shall deposit such printed Copy and Declaration annexed thereto with the Clerk of the Peace for the County or County of a City within which such District or any Part thereof is situate; and the said Clerk of the Peace shall sign and date the same, and shall preserve the same amongst the Records of the said County or County of a City; and the same, when produced from the Custody of such Clerk of the Peace, shall be conclusive Evidence that the said Proclamation, Abstract, and Notice was duly posted within the District or Part of the District in said Declaration mentioned.

Production of Dublin Gazette containing Publication of any Proclamation to be conclusive Evidence of Facts, &c.

2. The Production of a printed Copy of the Dublin Gazette, purporting to be printed and published by the Queen's Authority, containing the Publication of any Proclamation, Warrant, Order, or Notice under the said recited Act or this Act, shall be conclusive Evidence of all such Facts and Circumstances as were or shall be necessary to authorize the issuing of any such Proclamation, Warrant, Order, or Notice; and every such Proclamation, Warrant, Order, and Notice shall be deemed and taken in all such Courts respectively, to all Intents and Purposes whatsoever, to have been issued in conformity with the said recited Act and this Act.

First Section of 23 & 24 Vict. c. 138. repealed.

3. From and after the *passing of this Act* the First Section of the Act passed in the Session of Parliament held in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-eight, shall be and the same is hereby repealed.

The Peace Preservation (Ireland) Act, 1856, as amended by this Act, continued.

4. The "Peace Preservation (Ireland) Act, 1856," as the same is amended by this Act, shall be and continue in force until the First Day of July One thousand eight hundred and sixty-six, and until the End of the then next Session of Parliament.

SCHE-

SCHEDULE.

Form of Solemn Declaration.

I *A.B.* (Constable or Sub-Constable) do solemnly and sincerely declare, that on the Day of , and [*here insert the Dates*], I posted on or near to the Doors of all Places of Public Worship and of every Police Station and Barrack within that Part of the District named or referred to in the within (Proclamation or Notice), known and called by the Name of [*here insert Name of Barony, Half-Barony, Townland, &c.*], true Copies of the annexed (Proclamation or Notice and Abstract); and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of His Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths.

(Signed) *A.B.*

Made and subscribed before me this Day of , in the Year 186 .

(Signed) *C.D.*, Justice of the Peace.

Peace Preservation (Ireland) Act (1856) Amendment.

A

BILL

To continue and amend the Peace Preservation (Ireland) Act, 1856.

(Prepared and brought in by Sir Robert Peel, Sir George Grey, and Mr. Luke White.)

Ordered, by The House of Commons, *to be Printed*, 16 *June* 1865.

[Bill 219.]

Under 1 *oz.*

A

BILL

TO

Amend the Law relating to small Penalties.

WHEREAS it is expedient to amend the Law relating to small Penalties: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Small Penalties Act, 1865." Short Title of Act.

2. This Act shall not come into operation till the *First Day of August One thousand eight hundred and sixty-five*, which Day is herein-after referred to as the Commencement of the Act. Commencement of Act.

3. The Word "Penalty" in this Act shall include any Sum of Money recoverable in a summary Manner. Definition of "Penalty."

4. Where upon summary Conviction a Penalty not exceeding *Five Pounds* is imposed on any Offender, the Payment of such Penalty may be enforced by the Committal of the Offender to Prison for Recovery of small Penalties.

for any Term not exceeding the Period specified in the following Scale, unless the Penalty shall be sooner paid:

For any Penalty—	The Imprisonment not to exceed—
Not exceeding Ten Shillings - -	*Seven Days.*
Exceeding Ten Shillings and not exceeding One Pound - - - -	*Fourteen Days.*
Exceeding One Pound but not exceeding Two Pounds - - - - -	*One Month.*
Exceeding Two Pounds but not exceeding Five Pounds - - - - -	*Two Months.*

Application of Act.

5. This Act shall apply to all Penalties not exceeding *Five Pounds* recoverable in a summary Manner in pursuance of any Act of Parliament, whether passed before or after the Commencement of this Act; and all Provisions of any Act of Parliament that are inconsistent with this Act shall, in Cases where this Act applies, be repealed.

Penalties Law Amendment.

A

BILL

To amend the Law relating to small Penalties.

(*Prepared and brought in by Sir George Grey and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1865.

[Bill 202.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to small Penalties.

WHEREAS it is expedient to amend the Law relating to small Penalties: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Small Penalties Act, 1865." Short Title of Act.

2. This Act shall not come into operation till the First Day of August One thousand eight hundred and sixty-five, which Day is herein-after referred to as the Commencement of the Act. Commencement of Act.

3. The Word "Penalty" in this Act shall include any Sum of Money recoverable in a summary Manner. Definition of "Penalty."

4. Where upon summary Conviction a Penalty not exceeding Five Pounds is imposed on any Offender, the Payment of such Penalty may be enforced by the Committal of the Offender to Prison for Recovery of small Penalties.

for any Term not exceeding the Period specified in the following Scale, unless the Penalty shall be sooner paid:

For any Penalty—	The Imprisonment not to exceed—
Not exceeding Ten Shillings - -	Seven Days.
Exceeding Ten Shillings and not exceeding One Pound - - - -	Fourteen Days.
Exceeding One Pound but not exceeding Two Pounds - - - - -	One Month.
Exceeding Two Pounds but not exceeding Five Pounds - - - - -	Two Months.

Application of Act.

5. This Act shall apply to Penalties recoverable in a summary Manner in pursuance of any Act of Parliament, whether passed before or after the Commencement of this Act; and all Provisions of any Act of Parliament that are inconsistent with this Act shall, in Cases where this Act applies, be repealed: Provided that this Act shall not apply to any Penalty imposed by any Act relating to the Inland Revenue.

Penalties Law Amendment.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to small Penalties.

(*Prepared and brought in by Sir George Grey and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed,* 14 *June* 1865.

[Bill 213.]

Under 1 *oz.*

A

B I L L

TO

Confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Perth.

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Order which is contained in the Schedule hereto annexed, and it is provided by the said Act that no such Order shall be of any Validity unless the same has been confirmed by Parliament; and it is expedient that the said Order should be so confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 25 & 26 Vict. c. 101.

1. The Provisional Order contained in the Schedule to this Act annexed shall, from and after the *passing of this Act*, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act. Provisional Order in Schedule confirmed.

2. This

Short Title. 2. This Act may be cited for all Purposes as "The General Police and Improvement (Scotland) Supplemental Act, 1865."

SCHEDULE referred to in this Act.

PERTH.

GENERAL POLICE and IMPROVEMENT (SCOTLAND) ACT, 1862.— (25 & 26 Vic. Cap. 101.)

Whereas by the General Police and Improvement (Scotland) Act, 1862, it is inter alia enacted, Section 79, that "whenever it appears desirable to the "Magistrates and Council of any Royal or Parliamentary Burgh, where there "is a Board of Commissioners of Police separate from such Magistrates and "Council, to unite the Municipal and Police Government and Jurisdiction of "any such Royal or Parliamentary Burgh in the Magistrates and Council "thereof, to transfer to them all the Powers and Jurisdictions of Police, "Paving, Lighting, Watching and others, granted to the Commissioners of "Police by any Local Acts, and to extend such Jurisdictions over the whole "Limits of such Burgh," the Magistrates and Council "may present a Petition "to One of Her Majesty's Principal Secretaries of State, praying for such "Provision, Repeal, and Alteration as aforesaid, or for any of such Things, "and such Petition shall be supported by such Evidence as the said Secretary "requires:"

And whereas there is in said Burgh of Perth a Board of Commissioners of Police separate from the Magistrates and Town Council of the said Burgh, which Board of Commissioners is appointed under and in virtue of a Local Act now in force (2 Victoria Cap. 43.), intituled "An Act for more effectually "paving the Streets of the City of Perth, for the better Lighting, Watching, "and Cleansing the said City and Suburbs thereof, for maintaining and "regulating the Police of the same, and for other Purposes relating thereto," (14th June 1839):

And whereas a Petition under the Provisions of the said General Police and Improvement (Scotland) Act has been addressed to me, as One of Her Majesty's Principal Secretaries of State, by the Lord Provost, Magistrates, and Council of the Royal Burgh of Perth, under their Corporate Seal, praying that, after the Inquiry directed by the Statute, a Provisional Order may be issued uniting the Municipal and Police Government and Jurisdiction of the said Royal Burgh of Perth in the Magistrates and Council thereof, and transferring to them all the Powers and Jurisdictions of Police, Paving, Watching, Lighting and others, granted to the said Commissioners of Police by the foresaid Local Act, and to extend such Jurisdiction over the whole Limits of the said Burgh, according to the Limits specified in the Third Section of the said Local Act as those over which the said Local Act extends:

And

And whereas certain Parts of the said Local Police Act ought to be repealed, and it is desirable that such Parts thereof should be specified and set forth, and that Provision should otherwise be made to regulate the future Application and Execution of the said Act:

And whereas due Inquiry has been directed and held in respect of the Matters mentioned in the said Petition:

Now, therefore, in pursuance of the Powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as One of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my Hand, direct that from and after any Act of Parliament confirming the same—

1.—The Municipal and Police Government and Jurisdiction of the said Royal Burgh of Perth shall be united in the Magistrates and Council thereof.

2.—The Parts of the said Local Police Act, 2 Victoria c. 43 mentioned in the Schedule hereunto annexed shall be repealed, and as regards the other Parts of the said Local Police Act not hereby repealed, the whole Powers and Jurisdictions of Police, Paving, Lighting, Watching and others, granted to the Commissioners of Police by the said Local Police Act, shall be transferred to the Magistrates and Council of the said Burgh.

3.—The said Powers and Jurisdictions of the said Magistrates and Council shall be extended over the whole Limits of the said Burgh, according to the Limits or Boundaries specified in the Third Section of the said Local Act, as those over which the said Local Act extends.

4.—The Clerk, Inspector of Works, Collector, Surveyor, Superintendent, and all other Officers who have been appointed under and been employed in the Execution of the said Local Police Act, shall respectively continue to exercise their Offices until the First Ordinary Meeting of Council to be held after the passing of the Act confirming the present Provisional Order, or to be held on any other special Day to which such Ordinary Meeting may be adjourned.

5.—On any Application by Petition by the Magistrates and Council of the said Burgh to the Sheriff of the County, under the Provisions of the "General Police and Improvement (Scotland) Act, 1862," praying for the Extension of the Boundaries of the said Burgh, it shall be lawful for them to make Application in the same Petition, or separately, praying the said Sheriff to regulate the Wards of the said Burgh in manner after mentioned; and on such Application being made it shall be lawful to the Sheriff of the County, in the event of his extending the Boundaries of the said Burgh, to annex the Districts within such extended Boundaries to One or more of the existing Wards into which the said Burgh is at present divided, and to fix and re-arrange the Limits of the said Wards, and the Number of Councillors to be elected for each Ward, and to take all Proceedings for these Purposes he may think necessary or expedient.

6.—On such Formation of Wards being made and completed, a Notice, signed by the said Sheriff, specifying the Limits of such re-arranged Wards, and the Number of Councillors to be elected for each Ward shall be published once in the Edinburgh Gazette, and once in each of Two successive Weeks

in One or more of the Newspapers then published in the said Burgh; and thereafter the qualified Electors of the said re-arranged Wards whose Names shall be on the List or Roll of Electors of the said Burgh in force for the Time being shall be entitled to vote in the Election of Councillors for the Burgh for as many qualified Persons to be Councillors in and for the said Wards respectively as are specified in such Notice, in the Manner provided by the Act 3 & 4 William the Fourth cap. 76.

7.—All Orders or Deliverances pronounced by the said Sheriff in the Premises shall be final and not subject to Appeal, Review, or Reduction in any Court or by any Process whatever.

Given under my Hand and Seal, this Nineteenth Day of December, 1864.

(L.S.) (Signed) G. GREY.

SCHEDULE to which this Order refers.

The Parts of the Local Police Act (2 Vict. cap. 43.) referred to in this Order to be repealed are as follows; viz.,

So much of the herein-before mentioned Act of the Second Year of the Reign of Her present Majesty (cap. 43) as is included in the Sections thereof numbered respectively 4 and 5; 8 to 17, both inclusive; 20 to 26, both inclusive; 28 and 29; 33 and 34; and 45 and 46 and 47.

Perth Provisional Order Confirmation.

A

B I L L

To confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Perth.

(Prepared and brought in by Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 8 *March* 1865.

[Bill 61.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to alter the Days between which Pheasants may not be killed in Ireland.

WHEREAS by an Act passed in the Parliament of Ireland in the Twenty-seventh Year of the Reign of His late Majesty King George the Third, Chapter Thirty-five, intituled "An Act for the Preservation of Game," it was enacted (amongst other things) that from and after the First Day of June One thousand seven hundred and eighty-seven every Person who shall wilfully kill or destroy any Pheasant between the Tenth Day of January and the First Day of September in any Year shall forfeit a Sum not exceeding Five Pounds for every such Pheasant: And whereas these Days having been found inconvenient it is expedient to alter them: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 27 G. 3. c. 35. (I.)

1. From and after the passing of this Act so much of the said recited Act of the Twenty-seventh George the Third as relates to the killing or destroying any Pheasant between the Tenth Day of January and the First Day of September in any Year shall be and the same is declared to be hereby repealed. Part of recited Act repealed.

2. From

Fixing Period for shooting Pheasants in Ireland.

2. From and after the passing of this Act no Person or Persons shall on any Pretence whatsoever kill or destroy any Pheasant between the First Day of February and the First Day of October in any Year, and if any Person or Persons shall do so, he or they shall be liable to the same Penalty as by the before-recited Act is laid upon every Person or Persons transgressing the same.

Limit of Act.

3. This Act shall be held to apply to Ireland only.

Pheasants (Ireland).

A

BILL

INTITULED

An Act to alter the Days between which Pheasants may not be killed in Ireland.

(*Brought from the Lords* 29 *May* 1865.)

Ordered, by The House of Commons, *to be Printed,* 2 *June* 1865.

[Bill 193.]

Under 1 *oz.*

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Carrickfergus, Hastings, Maldon, Northam, and Shanklin.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: Preamble. 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule hereto, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and Form as they are set out in the said Schedule shall, Confirmation of Orders in Schedule.

shall, from and after the *passing of this Act*, have full Validity and Force.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865.

The SCHEDULE of Provisional Orders.

1. Carrickfergus.
2. Hastings.
3. Maldon.
4. Northam.
5. Shanklin.

CARRICK-

SCHEDULE.

CARRICKFERGUS.

Provisional Order of the Board of Trade for the Amendment of The Carrickfergus Harbour Order, 1862.

Preamble. 25 & 26 Vict. c. 51.

WHEREAS by The Pier and Harbour Orders Confirmation Act, 1862, The Carrickfergus Harbour Order, 1862 (hereafter in this Order called the Order of 1862), set out in the Schedule to the said Act, made under The General Pier and Harbour Act, 1861, and The General Pier and Harbour, 1861, Amendment Act, empowering the Carrickfergus Harbour Commissioners (hereafter in this Order called the Commissioners) to improve, maintain, and regulate the Harbour of Carrickfergus in the county of the town of Carrickfergus, was, with an exception, confirmed:

AND WHEREAS the Commissioners made application, by memorial, to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called the Board of Trade), representing that the works authorized by the Order of 1862 had not been commenced, and that no money had been borrowed under that Order, and praying their Lordships to grant a Provisional Order for the raising of further capital, and for the amendment of the Order of 1862:

AND WHEREAS the total estimated expenditure on the proposed works is 8,000*l.*, and no more:

AND WHEREAS the Commissioners published the advertisements and deposited the documents which, by the last-mentioned Act, they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

Repeal of Sections and Schedule in former Order.

1. Sections 4 to 16 (both inclusive) of the Order of 1862, with the Schedule therein referred to, are hereby repealed; but nothing herein contained shall invalidate any act done under the authority of those sections before this repeal takes effect, or affect any right, title, obligation, or liability then acquired or accrued thereunder.

Money.

Borrowing.

2. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order not exceeding in the whole the sum of 8,000*l.*

Sinking Fund.

3. In order to create a sinking fund for the discharge of the principal money so borrowed the Commissioners shall yearly set apart the surplus annual revenue of the harbour (hereafter in this Order defined), and shall deposit the same in some Joint Stock Bank of Issue in Ireland, to be increased by accumulation, in the way of compound interest or otherwise, until the accumulated fund is sufficient to pay off the principal money borrowed, or any such part thereof as the Commissioners think ought to be then paid off, and the Commissioners shall then apply such accumulated fund in such payment accordingly, but so that the Commissioners shall not allow any sum exceeding 500*l.* to remain so deposited for a longer time than six calendar months without applying the same in such payment.

Re-borrowing.

4. Any money borrowed under this Order, and discharged by means of the sinking fund, shall not be re-borrowed, but any money borrowed and discharged otherwise than by means of the sinking fund may be re-borrowed if required for the purposes of this Order, and so toties quoties.

Receiver.

5. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a Receiver. The amount to authorize a requisition for a Receiver is 1000*l.*

Money to be applied to purposes of Order.

6. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order.

Lands.

Power to take specified lands by agreement.

7. For the purposes of this Order the Commissioners may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works, and also all or any part of the lands described in Schedule A. to the Order of 1862 annexed.

Lands Clauses Acts incorporated.

8. The Lands Clauses Consolidation Act, 1845, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, are incorporated with this Order.

Works.

Power to make works.

9. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of pier and breakwater.

10. The works authorized by this Order are the following :—

(1.) A pier, with all proper approaches, works, and conveniences connected therewith, on the eastern side of the harbour of Carrickfergus, commencing near the seaward end of the existing pier or quay, and running in a southerly direction for a distance of 600 feet or thereabouts, then with a cant in a westwardly direction for a distance of 100 feet or thereabouts, such pier to be partly stone and partly open pile work,—and the excavation of soil on the western side of the said intended pier :

(2.) A stone breakwater to protect the same intended pier, 400 feet or thereabouts in length, lying about 350 feet to the westward of and parallel to the pier, with an easterly cant at the south end.

Rates,

Rates.

Power to take rates according to Schedule.

11. The Commissioners may demand and receive in respect of the vessels, persons, goods, and things described in the Schedule hereto annexed any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom House Officers exempt.

13. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, from, and out of the pier and harbour by land, with their vessels and otherwise, without payment.

Application of rates and moneys received by the Commissioners.

14. The Commissioners shall apply all rates received under this Order, and all other moneys coming to their hands from the existing harbour or new works, or the lands or property connected therewith, for the purposes, and in the order following, and not otherwise :—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying from year to year the expenses of the maintenance, management, and regulation of the existing harbour and new works, and the lands and property connected therewith:

(3.) In paying the interest accrued due on any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) In paying the rent accrued due in respect of the property described in Schedule A. to the Order of 1862 annexed, and in fining down such rent in pursuance of any agreement in that behalf made or to be made:

(5.) As to the surplus annual revenue of the harbour,—that is to say, so much of the rates and other moneys aforesaid as remains from year to year after making the several payments before in the present section directed,—in creating a sinking fund in manner and for the purposes before in this Order specified.

Construction, and Short Titles.

15. This Order shall be construed with the Order of 1862 as one Order, and may be cited as The Carrickfergus Harbour Amendment Order, 1865; and the Order of 1862 and this Order may be cited together as The Carrickfergus Harbour Orders, 1862 and 1865.

Board of Trade, Whitehall.
Dated this 10th day of April 1865.

T. H. Farrer,
Secretary.

SCHEDULE.

I.—Rates on Vessels entering or using the existing Harbour or New Works.

	s.	d.
For every vessel under the burden of 15 tons, per register ton -	0	4
For every vessel of the burden of 15 tons and under 50 - -	0	6
For „ „ 50 „ 100 - -	0	8
For „ „ 100 „ 150 - -	0	10
For „ „ 150 and upwards - - -	1	0
For every vessel which remains in the harbour more than three weeks continuously, there shall be paid for every week or part of a week during which the same remains in the harbour after the first three weeks the further sum, per register ton, of -	0	3
All lighters from any vessel in the roads shall be exempted from rates, but if the vessel do not enter the harbour every lighter shall pay for each trip, per ton - - - - - -	0	2
All boats entirely open landing or taking on board goods, each -	0	6
All other boats entirely open, pleasure yachts, and boats employed in fishing, exempt.		

II.—Rates on Passengers landing on or embarking from the existing Harbour or New Works.

	s.	d.
For every person landing from or embarking in any steamboat or other passenger vessel any sum not exceeding - - -	0	2

III.—Rates on Goods Shipped or Unshipped at the existing Harbour or New Works.

	s.	d.
Alabaster, rough, per ton - - - - - -	0	3
„ worked, per cwt. - - - - -	0	3
Ale, beer, or porter, per butt or pipe - - - -	1	0
„ „ per hogshead - - - -	0	6
„ „ per barrel - - - - -	0	3
„ „ in bottles, per dozen - - - -	0	1
Ale, bottled, per barrel bulk - - - - - -	0	3
Animals, wild, each - - - - - -	0	9
„ or birds, stuffed, per package - - - -	0	6
Anchors, per cwt. - - - - - -	0	2
Apples, in bulk, per ton - - - - - -	0	6
Artificial manures, per ton - - - - - -	0	8
Ashes, barilla, per cwt. - - - - - -	0	1
„ pearl and pot, per cwt. - - - - -	0	2
„ black, per cwt. - - - - - -	0	1
„ bleaching, per cwt. - - - - -	0	2
„ common Irish, per cwt. - - - - -	0	1
„ soda, per cwt. - - - - - -	0	1
Asphaltum, per cwt. - - - - - - -	0	1
Bags or sacks (not returned), per bundle - - - -	0	1

		s.	*d.*
	Bacon or pork, per cwt.	0	2
	Ballast, per ton, registered measurement of vessel	0	3
	Bark, tanners' chopped, per ton	1	0
5	Barley, per ton	0	3
	Baskets, per dozen	0	1
	Beans, per ton	0	3
	Beef or pork, per tierce	0	4
	„ „ per barrel	0	2
10	„ „ per half-barrel, and smaller package	0	1
	„ „ per ton	1	0
	Biscuit or bread, per cwt.	0	2
	Bleaching-powder, per hhd.	0	6
	„ „ per barrel	0	3
15	Blocks, ship, per dozen	1	0
	Bogwood, per ton	0	3
	Boilers, steam, large	2	6
	„ small, under one ton each	0	9
	Bone dust, per ton	0	8
20	Bottles, loose, empty, per gross	0	2
	„ in baskets or carboys, full	0	6
	Bran, per ton	0	3
	Brandy, per hogshead	1	0
	Bricks, common, per 1,000	0	8
25	„ fire, per 1,000	1	0
	„ Bath, per 1,000	1	0
	Butter, per cask	0	3
	„ per firkin	0	1½
	„ per barrel	0	4
30	Cables, per cwt.	0	2
	Candles, tallow, chest of 14 dozen	0	6
	„ „ half-chest	0	3
	„ wax, per 12 lbs.	0	1
	Canes, per bundle	0	6
35	Carriages or coaches, each	1	0
	Carts, each	0	6
	Casks, empty (not returned), each	0	2
	Cattle, asses, and mules, each	0	3
	„ bulls, each	0	3
40	„ cows and oxen, each	0	2
	„ calves and lambs, each	0	0½
	„ horses, each	0	2
	„ pigs or sheep, each	0	0½
	„ sucking pigs, each	0	0½
45	Cement, per cwt.	0	1
	Chains, per cwt.	0	2
	Chalk, per ton	0	8
	Cheese, per cwt.	0	6
	Chimney-pots, earthenware, each	0	1
50	China, per hogshead	1	6
	„ per tierce	1	0
	Cigars, per cwt.	0	6
	Clay, pipe and potters', per ton	0	6
	„ fire, per ton	0	3
55	Cloth, packs not exceeding 1 cwt.	0	4
	Cloths, linen, woollen, bale, pack, or truss, per cwt.	0	4
	„ in boxes, per foot	0	1
	Cloverseed, per sack	0	3
	Coals, per ton	0	3

	s.	d.
Coke, per ton	0	4
Copper, per ton	1	6
Cordage, per cwt.	0	2
Cordials, per case of 1 dozen	0	1
„ per hogshead	1	0
Corn, viz.:—		
Wheat, per ton	0	3
Barley, per ton	0	3
Oats, per ton	0	3
Barleymeal, per ton	0	4
Indian corn, per ton	0	3
„ meal, per ton	0	4
Oatmeal, per bag	0	2
Beans and peas, per bag	0	2
Rye, per bag	0	2
Corkwood, per cwt.	0	3
Corks, per ten gross	0	2
Culm, per ton	0	3
Currants, per butt	1	0
Dates, per cwt.	0	3
Dissolved bones and other artificial manures, per ton	0	8
Dogs, and other animals not enumerated, each	0	2
Drugs in casks, hampers, or boxes, at per foot	0	1
Dyers' stuff, per cwt.	0	4
Dyes, per cwt.	0	3
Earthenware, coarse, in bulk, per potters' dozen	0	3
„ in crates, at per crate	0	8
Eggs, per gross of 12 dozen	0	1
Empty bags or sacks (not returned), per bundle	0	1
Farming implements, per ton	1	4
„ „ per barrel bulk	0	2
Feathers, per bale	0	4½
„ per bag	0	3
Felt, per cwt.	0	1
Fish: herrings, cured, per barrel	0	3
„ other fish cured (not before specified), per cwt.	0	1
Flagstones, rough, per 100 feet	1	0
„ worked, per 100 feet	2	0
Flaxseed, per hogshead	0	6
„ per bag	0	3
„ per barrel	0	2
Flax, rough, per ton	1	0
„ dressed, per stone	0	1
„ per dozen hanks	0	1
Flour, per sack	0	2
„ per barrel	0	1½
Flower roots, plants, or trees, in packages, at per foot	0	1
Freestones, per ton	1	0
Fruit, green, per cwt.	0	1
„ dry, per cwt.	0	2
Fuel, patent, per ton	0	4
Furnaces, metal, per cwt.	0	3
Furniture, household, new, at per barrel bulk	0	1
Gas metres, per crate or box	0	6
„ each	0	1
Gates, iron or wood, each	0	2
Geese, per 100	1	0
Glass, per crib, slide, or case	0	6

		s.	*d.*
	Grains, per ton	0	4
	Grain, not enumerated, per ton	0	3
	Granite, per ton	0	3
5	Grasseed, per sack	0	3
	Grates or stoves, per foot	0	2
	Gravel or sand, per ton	0	3
	Groats, per cwt.	0	2
	Groceries, per box, package, or hamper	0	4
10	Guano, per ton	0	8
	Gunpowder, per barrel	0	3
	„ per half-barrel	0	1½
	Haberdashery and hosiery, in bales, per cwt.	0	4
	„ „ in boxes, per foot	0	1
15	Hams, per cwt.	0	2
	Hardware, per cwt.	0	2
	Hats, per box, per foot	0	1
	Hay, per ton	1	6
	„ per truss	0	2
20	Hemp, per ton	1	6
	Herrings, cured, per barrel	0	3
	Hides, wet or dry, for every 100 in number	1	4
	„ fleshings, per cwt.	0	2
	Household furniture, new, per barrel bulk	0	1
25	„ belonging to parties changing their residence only, per 10 barrels bulk	0	6
	Husbandry utensils, per ton	1	4
	„ per barrel bulk	0	2
	Ice, per ton	0	6
30	Iron, pig, per ton	0	8
	„ bar, bolt, and wrought, per ton	1	4
	„ plate and sheet, per ton	0	4
	„ hoops, per cwt.	0	1
	„ cask, hollow ware, per cwt.	0	3
35	„ cast solid, per cwt.	0	2
	„ ore, per ton	0	4
	„ scrap, per ton	0	6
	„ wire and nailrods, per cwt.	0	1
	Junk, or old ropes, per cwt.	0	1
40	Jute, per ton	0	6
	Kelp, per ton	0	3
	Kerb stones, per ton	0	3
	Lead, pigs of, per ton	1	4
	„ pipes, per ton	0	6
45	„ sheet, per cwt.	0	1
	Lamps, each	0	1
	Leather, tanned, per cwt.	0	2
	„ wrought, per cwt.	0	3
	Lemons, per chest	0	4
50	„ per box	0	2
	Lime, burnt, per ton	0	6
	Limestone, per ton	0	3
	Linen or woollen rags, per cwt.	0	1
	„ „ cloth, per cwt.	0	4
55	Linseed meal, per ton	1	0
	„ cake, per ton	1	0
	Liquor, in bottles, per case or box	0	6
	Liquors (not enumerated), per hogshead	1	0
	„ „ per barrel	0	6

	s.	d.
Loam, or moulding sand, per ton	0	3
Machinery :—		
Steam and other engines, and part of the same, per cwt.	0	2
Wood and iron mixed, per foot	0	1
Malt, per quarter	0	2
Manure (not enumerated), per ton	0	3
Marble, rough, per ton	1	0
„ worked, per cwt.	1	0
Masts or spars, each	0	6
Mats and matting, per parcel	0	2
Matches, per hogshead	0	3
„ per case or barrel	0	2
Maunds or hampers, empty, imported, per dozen	0	1
Meal, per bag (all kinds, not enumerated)	0	2
„ per ton	0	4
Meat, per cwt.	0	2
Metal castings (not enumerated), per cwt.	0	3
Millinery, per foot	0	1
Mineral and aërated waters, in bottles, per dozen	0	1
Muslin, per bale	0	6
„ per parcel	0	3
Nails, per cwt.	0	1
Naphtha, per puncheon	0	2
„ per carboy	0	1
Nuts, per bag or barrel	0	2
Oakum, per cwt.	0	1
Oars, per dozen	0	3
Oats, per ton	0	3
Oil, castor, per cwt.	0	4
„ sperm, per hogshead	1	0
„ sweet and lamp, and all oils not enumerated, per hogshead	0	10
„ in flasks, per chest	0	4
„ „ per half-chest	0	2
Oilcake, per ton	1	0
Onions, per cwt.	0	1
Oranges, per box	0	2
„ per chest	0	4
Oysters, per ton	1	8
Paintings, pictures, and pier glasses, per foot	0	3
Paints and painters' colours, per cwt.	0	2
Pans, brass or metal, per cwt.	0	6
Paper, per cwt., common	0	1½
„ stationery, per cwt.	0	4
Peas, per bag	0	2
Petroleum, per ton	5	0
Perfumery, per package	0	3
Periodicals and newspapers, per parcel	0	1
Pipes for smoking, per hogshead	1	0
„ per barrel	0	6
Pipes, metal, per ton	0	8
„ earthenware, for draining, per ton	1	0
Ploughs, each	0	6
Potash, per cwt.	0	1
Potatoes, per ton	0	6
Poultry and game, per dozen	0	4
Puncheons, empty, and not returned, each	0	2
Putty, glaziers', per cask	0	3
Rags, per ton	1	0

		s.	*d.*
	Raisins and figs, per cwt.	0	2
	Rice, per tierce	0	8
	„ per barrel	0	4
	Rope-coil, per cwt.	0	2
5	Rope-coil yarn, per cwt.	0	1
	Rosin, per barrel	0	1
	Sacking, per bale	0	2
	Sago, per cwt.	0	2
	Sails, per cwt.	0	4
10	Salt, per ton	0	10
	„ fine, per cwt.	0	4
	„ coarse, for manure, or curing fish, per ton	0	2
	„ rock, per ton	0	3
	Sand or gravel, per ton	0	3
15	Scuttles, coal, per dozen	0	3
	Scythe stones, per cwt.	0	3
	Scythes, per dozen	0	2
	Seeds, garden, or agricultural grass seeds, per cwt.	0	3
	„ not enumerated, per cwt.	0	3
20	Shot, bird, per cwt.	0	3
	Shovel handles, per dozen	0	1
	Silk, per cwt.	0	8
	Skins, per score	0	6
	Slabs, marble, per ton	1	0
25	„ slate, per ton	0	3
	Slates, scantle, per 1,000	0	3
	„ common helling, per 1,000	0	2
	Slate, earth or tombstone, per foot	0	0¼
	Soap, per cwt.	0	2
30	Soda, per barrel	0	1
	Soda-water, per dozen	0	1
	Spades and shovels, per dozen	0	4
	Spirits, foreign and British, per hogshead of 56 gallons	0	8
	Starch, per cwt.	0	2
35	Steel, per cwt.	0	6
	Sticks, walking, per bundle	0	2
	Stones, per ton	0	3
	„ grinding, per cwt.	0	1
	„ Caen, for millstones, per 100	3	0
40	Straw, per ton	1	6
	Sulphur, per cwt.	0	3
	Sugar, soft, per cwt.	0	4
	„ refined, in barrels	0	2
	„ „ in hogsheads	1	4
45	Tar, pitch, or rosin, per barrel	0	2
	Tea, per chest	1	6
	Tiles, paving, per score	0	1
	„ roofing, per 1,000	0	9
	Timber, not enumerated, per load of 55 feet	0	6
50	„ mast pieces, under 12 inches, each	0	6
	„ wainscot boards, per 100	1	0
	Tinplate, per box	0	2
	Tobacco, per cwt.	0	3
	Tow, per ton	1	8
55	Toys, per case	0	3
	Trawlbeams, each	0	4
	Treacle or molasses, per puncheon	0	10
	„ per half-puncheon	0	5
	„ per cask	0	3

	s.	d.
Treenails, under 2 feet in length, per 1,000	0	6
„ exceeding 2 feet in length, per 1,000	1	0
Turf, per ton	0	6
Turnips or mangold, per ton	0	6
Turpentine, per cwt.	0	6
Twine or netting, per cwt.	0	3
Varnish, per barrel	0	6
Vegetables, shipped, per cwt.	0	1
Vetches, per ton	0	3
Vinegar, per pipe	1	0
„ per hogshead	0	6
„ per firkin	0	3
Vitriol, per carboy	0	6
Wheat, per ton	0	3
Whiskey, per puncheon	2	0
Whiting, per cwt.	0	1
Wine, foreign, per pipe, all sorts	2	6
„ British, per pipe, all sorts	1	6
„ per hogshead, all sorts	1	0
„ per barrel, all sorts	0	6
„ in bottles, all sorts, per dozen	0	2
Wood, deals, per 120	1	0
„ battens, Petersburg, per hundred	0	6
„ fir, pine, and other descriptions not enumerated, per load of 50 feet	0	10
„ oak or wainscot, per load of 50 feet	1	0
„ firewood, per fathom	0	6
„ laths and lathwood, per fathom of 216 cubic feet	2	6
„ spars, under 22 feet in length, above $2\frac{1}{4}$ and under 4 inches in diameter, per 120	2	6
„ spars, $2\frac{1}{2}$ inches in diameter and under, per 120	1	4
„ spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	6	6
„ spars, of all lengths, above 4 and under 6 inches in diameter, per 120	12	0
„ lignumvitæ, logwood, mahogany, rosewood, &c., per ton	1	4
Woollen manufactures, at per cwt.	0	8
Wool, per pack	0	4
Yarn, per cwt.	0	2
Zinc, per ton	1	4

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods, per barrel bulk	0	2
Heavy goods, per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk, but when the weight of five cubic feet is greater than two and a half cwt. then two and a half cwt. to be rated as a barrel bulk.

IV.—Rates for the Use of the Cranes, Weighing Machines, and Sheds of the Commissioners.

1st, Rates of Craneage.

		s.	d.
All goods or packages not exceeding 1 ton	- - -	0	3
Exceeding 1 ton and not exceeding 2 tons	- - -	0	4
„ 2 tons „ 3 tons	- - -	0	6
„ 3 tons „ 4 tons	- - -	0	8
„ 4 tons „ 5 tons	- - -	0	10
„ 5 tons „ 6 tons	- - -	1	0
„ 6 tons - - - -	- - -	1	3

2d, Weighing Machines.

For goods weighed, *1d.* for each ton or part of a ton.

3d, Shed Dues.

For each ton of goods of eight barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of *3d.*, and the sum of *1½d.* per ton for each day during which such goods shall remain after the first 48 hours.

HASTINGS.

Provisional Order of the Board of Trade for the Amendment of The Hastings Pier and Harbour Order, 1862.

Whereas by The Pier and Harbour Orders Confirmation Act, 1862, The Hastings Pier and Harbour Order, 1862 (hereafter in this Order called the Order of 1862), set out in the Schedule to the said Act, made under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, empowering the Hastings Pier and Harbour Company (Limited) to construct, maintain, and regulate a pier and harbour at Hastings, in the county of Sussex, was, with an exception, confirmed: Preamble, 25 & 26 Vict. c. 51.

And whereas by The Hastings Harbour Act, 1863, the name of the Hastings Pier and Harbour Company (Limited) was altered to the Hastings Harbour Company (hereafter in this Order called the Company):

And whereas the Company made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called the Board of Trade), praying their Lordships to grant a Provisional Order for the amendment of the Order of 1862:

And whereas the Company published the advertisements and deposited the documents which by the thirdly-mentioned Act they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an

Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That from and immediately after the passing of an Act of Parliament confirming this Provisional Order the following provisions shall have effect:—

Repeal of part of Schedule to former Order.

1. The Schedule to the Order of 1862, as far as it relates to the goods and things in the Schedule to this Order described, is hereby repealed, but not so as to affect any right, title, obligation, or liability acquired or accrued thereunder.

Power to take rates according to Schedule to this Order.

2. The Company may demand and receive, in respect of the goods and things in the Schedule to this Act described, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

3. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier, and not breaking bulk while making use thereof, be exempt from rates leviable under the Order of 1862 or this Order.

Power for Company to contract with persons for use of pier.

4. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier on such terms and for such a period, not exceeding one year, as may be agreed on; but so that no preference be given to any person. Such a pass ticket shall not be transferable, and shall not be used by any person, except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, and this Order shall for all purposes be deemed "the special Act," within the meaning of that Act.

Construction and short titles.

5. This Order shall be construed with the Order of 1862 as one Order, and may be cited as The Hastings Harbour Amendment Order, 1865; and the Order of 1862 and this Order may be cited together as The Hastings Harbour Orders, 1862 and 1865.

Board of Trade, Whitehall.
Dated this 16th day of March 1865.

T. H. FARRER,
Secretary.

SCHEDULE.

SCHEDULE.

		s.	d.
	Cattle, viz.:		
	Bulls, cows, and oxen, each	2	0
5	Calves, each	1	0
	Horses, each	3	0
	Pigs or sheep, each	0	6
	Coals, Scotch, English, and culm, per ton	1	0
	Fish:		
10	Dried and salted, per cwt.	0	3
	Fresh, per cwt.	0	2
	Wood:		
	Fir, pine, and other descriptions not enumerated, per load of fifty feet	1	0
15	Oak, teak, and other hard wood, per load of forty feet	1	6
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per load of forty feet	1	6
	All other goods not particularly enumerated:		
	Light goods, per barrel, bulk	0	4
20	Heavy goods, per ton	1	8

MALDON.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour at Maldon in the County of Essex.

25 **Whereas** under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the promoters of the Maldon Harbour Improvement made application by a memorial to the Lords of the Committee of Her Majesty's most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called The Board of Trade), praying them (among other things) to grant a Provisional Order under the said Acts, and thereby to constitute and incorporate Commissioners, and to empower such Commissioners to execute the works herein-after mentioned at Maldon, in the County of Essex, and also to levy and recover Harbour rates and duties, and to raise money for such works: Preamble.

And whereas the estimated expenditure of the proposed undertaking is 12,000*l.*, and no more:

And whereas the promoters have published the advertisements and deposited the documents which, by the last-mentioned Act, they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an

Act for the confirmation of this Provisional Order (until which confirmation his Provisional Order will not be of any validity or force whatever):

NOW THEREFORE, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in that behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding in number 14, which Commissioners and their successors are hereby, for the purposes of this Order, incorporated by the name of The Maldon Harbour Improvement Commissioners, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions of this Order.

Meaning of "the Commissioners."

2. The term "the Commissioners," where hereafter used in this Order, means The Maldon Harbour Improvement Commissioners.

3. The appointment of the Commissioners shall be regulated as follows:—

Appointment of the several Commissioners.

(1.) The following ten persons are hereby appointed Commissioners, namely, Henry Ward, The Honourable William Swabey, William Michael Tuffnell, Henry Thomas Eve, Thomas Isaac, Adolphus Piggot, John Granger Sadd, Robert Smith, William Humpherys, and Marven Porter Hicks:

(2.) The Commissioners, when incorporated, shall have power to appoint from time to time (but it shall not be obligatory on them to appoint) to be Commissioners other persons, not exceeding two in number, in addition to the ten persons herein-before named:

(3.) Whenever a vacancy is caused by death, resignation, or otherwise in the office of any person appointed a Commissioner by this Order or by the Commissioners, the Commissioners shall by a special order appoint another person to fill the vacancy, and so toties quoties:

(4.) The Board of Trade may, if they think fit, at any time after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation or otherwise, in the office of any one of those two Commissioners, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

Incorporation of parts of 10 & 11 Vict. c. 16.

4. The Commissioners Clauses Act, 1847 (except sections 17, 19 to 35, both inclusive, and 95), shall be incorporated with this Order, and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) No person shall be capable of acting as a Commissioner (other than a person appointed to be a Commissioner by the Board of Trade) unless he is seized or possessed of property to the value of one thousand pounds:

(2.) With reference to section 39 of the last-mentioned Act, the prescribed number (constituting a quorum) of the Commissioners shall be five:

(3.) The

(3.) The Board of Trade shall appoint a permanent auditor of the accounts of the Commissioners.

Undertakers.

5. The Commissioners shall be the undertakers of the works authorized by this Order.

Commencement of Commissioners' powers.

6. The Commissioners shall be deemed fully constituted and incorporated and shall commence to act under this Order as soon as this Order is confirmed by Act of Parliament.

Limits of Harbour.

7. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall extend in and over the whole of the river Blackwater, from the entrance to Heybridge Basin to the bridge called Fullbridge, at Maldon, and in and over the whole of Heybridge Creek up to the Stone Bridge at Heybridge, and in and over all creeks, bays, inlets, and outlets running into or out of the said river and creek within the aforesaid limits.

Power to take Lands by agreement.

8. For the purposes of the works authorized by this Order the Commissioners may from time to time, by agreement, enter on, take and use such lands near the entrance to, within, or around Heybridge Creek as may be required for the proposed works, not exceeding in the whole two acres.

Incorporation of Lands Clauses Acts.

9. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Order.

Power to execute works

10. Subject to the provisions of this Order, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, execute and maintain the works shown on the deposited plans and sections.

Description of works.

11. The works authorized by this Order comprise the following:—

The cutting, deepening, widening, straightening, dredging, scouring, altering, and improving the course of the channel of the River Blackwater, commencing fifty yards or thereabouts above or to the south of the entrance to Heybridge Basin, and terminating five yards or thereabouts, below or east of Fullbridge:

The cutting, deepening, widening, straightening, dredging, scouring, altering, and improving the course of that part of the River Blackwater, known as Heybridge Creek, commencing at the junction of the said creek with the said river, and terminating one hundred and thirty yards or thereabouts, north of a piece of ground the property of the Great Eastern Railway Company:

The construction and maintenance of wharves or landing-places, for enabling ships and other vessels to load and unload, and discharge coals and other goods and commodities on the north side of the River Blackwater, at or near the entrance to and on the west side of Heybridge Creek.

Rates in Schedule.

12. Subject and according to the provisions of this Order, the Commissioners may (from and after the expiration of six months from the passing of the Act confirming this Order), demand and receive in respect of vessels described in the Schedule to this Order any sums not exceeding the sums specified in that Schedule.

Certain fishing vessels under stress of weather exempt from rates.

13. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom house Officers exempt from rates.

14. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and from the harbour by land, and with their vessels, and otherwise, without payment.

Borrowing powers.

15. The Commissioners may from time to time borrow and reborrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of Twelve thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates, tolls, and dues authorized by this Order, or of any of those particulars, or of any other property of the Commissioners.

Repayment of money borrowed by instalments, or sinking fund.

16. The Commissioners shall, out of the tolls, rates, and duties aforesaid, either pay off the money borrowed under this Order, by annual or other instalments within thirty years, reckoned from the expiration of two years after the passing of the Act confirming this Order; or else appropriate as a sinking fund every year, beginning with the expiration of the same term of two years, and until the money so borrowed is fully paid off, a sum equal to one thirtieth part of the money borrowed, and such sinking fund shall be invested, accumulated, and applied according to the provisions of section 84 of The Commissioners Clauses Act, 1847.

Receiver.

17. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a receiver; and the amount to authorize a requisition for a receiver is One hundred pounds.

Money how to be applied.

18. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and moneys received by the Commissioners.

19. The Commissioners shall apply all rates, tolls, and dues received under this Order, after defraying the expenses of collecting the same, and all other moneys coming to their hands from the works authorized by this Order, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

1. In paying the costs of and connected with the preparation and making of this Order:
2. In paying the expenses of the construction, maintenance, management, and regulation of the works authorized by this Order:
3. In paying the interest accrued due on any money borrowed under this Order:
4. In from time to time providing the instalments, or setting apart and appropriating the sinking fund prescribed by this Order for the repayment of money borrowed, as and when any such instalment or such sinking fund is required to be provided or set apart and appropriated:
5. In and towards the purposes of the said harbour.

20. The

Commissioners may provide engines, lighters, &c.

20. The Commissioners may, for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters tools, plant, or other materials as they think fit, and may from time to time, as they think fit, sell and dispose of any such dredges, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of this Order or some of them.

Power to maintain and dredge, &c.

21. The Commissioners from time to time may maintain the works authorized by this Order, and dredge and deepen the said river and creek within the limits of this Order, and may place and maintain moorings and buoys in the said river and creek within the limits aforesaid, and do all such lawful acts as they think necessary or proper for preventing or removing obstructions or impediments thereon or therein, and generally for preserving and facilitating the navigation within the limits of this Order; and the soil, gravel, and other materials taken out of or removed from the said river and creek within the limits of this Order, shall become and be the property of the Commissioners, who may from time to time sell or otherwise dispose of the same, or remove and lay down the same within the limits of this Order, and afterwards, from time to time, again take up and remove and sell or otherwise dispose of the same; and all moneys arising therefrom, after payment of the expenses connected therewith, shall be applied for the purposes of this Order.

Pilotage, lights, buoys, and beacons.

22. The Commissioners shall be a pilotage authority and a local authority within the meaning of The Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Lands for extraordinary purposes.

23. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Parts of Harbours Clauses Act excepted.

24. Sections 16, 17, 18, 19, 25, and 26 of The Harbours Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Confirmation of byelaws and provision for management of Harbour.

25. Byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed and confirmed by the Board of Trade, which allowance and confirmation shall be sufficient for all purposes; and it shall not be lawful for the harbour master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as the byelaws expressly authorize him or them to do so.

Saving for Corporations, &c.

26. Nothing in this Order shall take away or abridge any right, privilege, power, jurisdiction, or authority given or reserved to any person or corporation by any local or special Act of Parliament without the consent in writing of such person or corporation.

Short Title.

27. This Order may be cited as The Maldon Harbour Order, 1865.

Board of Trade, Whitehall.
Dated this 6th day of April 1865.

T. H. Farrer,
Secretary.

SCHEDULE.

FOR EVERY VESSEL CARRYING CARGO COMING INTO, AND FOR EVERY VESSEL CARRYING CARGO GOING OUT OF, MALDON HARBOUR.

	s.	*d.*
If under 50 tons, per ton register	*0*	*3*
If of 50 tons and under 100 tons, per ton register	*0*	*6*
If of 100 tons and under 200 tons, per ton register	*0*	*9*
If of 200 tons or upwards, per ton register	*1*	*0*

Unregistered vessels to pay at the same rate per ton according to the actual measurement thereof.

Vessels carrying cargo both on coming in and on going out of the harbour, to pay full rate on inwards cargo, and half rate on outwards cargo. Barges of less than 50 tons are exempt from the half rate on such outwards cargo.

NORTHAM.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Northam, in the County of Devon.

Preamble. **Whereas** under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Northam Pier Company (Limited) made application by memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council, appointed for the consideration of matters relating to Trade and Foreign Plantations, hereafter in this Order called the Board of Trade, praying their Lordships to grant a Provisional Order, containing powers for the construction of a Pier at Northam, in the County of Devon, for the complete execution of the works and for the levying of rates and tolls:

AND WHEREAS the estimated expenditure on the proposed works is 8,000*l.*, and no more:

AND WHEREAS the promoters published the advertisements and deposited the documents which by the last-mentioned Act they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order, until which confirmation this Provisional Order will not be of any validity or force whatever:

NOW, THEREFORE, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That,

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

The Undertakers.

1. The Northam Pier Company (Limited), hereafter in this Order called the Company, shall be the Undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Act Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Lands for extraordinary purposes.

4. The Company shall not purchase, for extraordinary purposes, land exceeding in extent in the whole three acres.

Power to make works.

5. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of pier.

6. The works authorized by this Order comprise the following:—

A pier, jetty, and landing place, with all proper works, approaches, and other conveniences connected therewith, for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point on the sea shore distant in a north-westerly direction twenty-six chains five yards, or thereabouts, from the north-west corner of the Northam Burrows Hotel, in the Parish of Northam, in the County of Devon, and extending from such point into the sea in a northerly direction, a distance of 550 feet or thereabouts.

Power to take rates according to Schedule to this Order.

7. The Company may demand and receive, in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

8. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Meters and weighers.

9. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Steam engines, diving bells, lighters, &c.

10. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, moorings, dredging machines, rubbish lighters, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they think reasonable.

Company may contract with persons for use of the Pier.

11. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms and for such a period, not exceeding one year, as may be agreed on, but so that no preference be given to any person.

person. Such a pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847 (for all the purposes of which Act this Order shall be deemed the Special Act).

Restriction on the use of Pier.

12. Nothing in this Order shall entitle any persons to ship or unship from vessels or boats at the pier or jetty authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Parts of Harbours, Docks, and Piers Clauses Act, 1847, excepted.

13. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections sixteen to twenty-three, both inclusive.

Custom House Officers exempt from rates.

14. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land, and with their vessels and otherwise, without payment.

Part V. of 24 & 25 Vict. c. 47. to apply.

15. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Works authorized by this Order.

Short title.

16. This Order may be cited as The Northam Pier Order, 1865.

Board of Trade, Whitehall.
Dated this 6th day of April 1865.

T. H. Farrer,
Secretary.

SCHEDULE to which this Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
All lighters, for each trip, per ton	*0*	*2*
All boats, entirely open, landing or taking on board goods, each	*0*	*6*

II.—Rates on Goods shipped or unshipped at the Pier.

	s.	*d.*
Ale, beer, and porter, per hogshead	*0*	*6*
Ale (bottled), per barrel	*0*	*4*
Ditto, per dozen bottles	*0*	*1*
Anchors, per cwt.	*0*	*9*
Anchor stock, per foot run	*0*	*2*

		s.	d.
	Bark, per ton	2	0
	Bedding, per bundle	0	3
	Beef or pork, per cwt.	0	3
	Ditto, per barrel	0	6
5	Biscuit or bread, per cwt.	0	3
	Blubber, per ton of 252 gallons	3	0
	Bones and bone dust, per ton	1	6
	Bottles, per gross	0	9
	Bricks, per 1,000	1	6
10	Butter and lard, per barrel	0	6
	Ditto, per firkin	0	3
	Cables, iron or hempen, per ton	3	0
	Canvas, per bolt	0	1
	Casks (empty), not being returned packages, per puncheon	0	3
15	Other casks in proportion.		
	Cattle:—		
	Bulls, cows, and oxen, each	3	0
	Calves, each	1	0
	Horses, each	4	0
20	Pigs, each	0	6
	Sheep, each	1	0
	Chalk, per ton	1	0
	Cheese, per cwt.	0	4
	Chimney pots, each	0	3
25	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package, not exceeding 1 cwt.	0	6
	Carriages:—		
	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
30	Hand-carts and perambulators, each	1	0
	Coals, per ton	1	0
	Copper, per ton	3	0
	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
35	Corpses, each	20	0
	Crystal, per box or package	0	6
	Dogs, each	0	6
	Drugs (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
40	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
	Fish (dried and salted), per cwt.	0	3
	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
45	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
50	Ditto, per small ditto or case	1	0
	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
55	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
	Hares and rabbits, per dozen	0	4

	s.	d.
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:—		
Ox, cow, or horses (wet or dry), each	0	2
Iron:—		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather (tanned and dressed), per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical Instruments, per cube foot	0	1
Nets per 5 cubic feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and Lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and Tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and Game, per dozen	0	4
Rags and Old Rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—Calf, Goat, Sheep, Lamb, or Dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, Soap, and Candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and Zinc, per ton	3	0
Tobacco, per cwt	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and Varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated) per cwt.	0	4
Vinegar, per hogshead	0	6

		s.	*d.*
	Vitriol, per carboy - - - - -	*1*	*0*
	Water, per cask - - - - - -	*0*	*3*
	Wine, per hogshead - - - - -	*1*	*0*
	Ditto, bottled, per dozen bottles - - - -	*0*	*2*
5	Wood:—		
	Fir, Pine, and other description not enumerated, per load of 50 feet	*1*	*6*
	Oak or wainscot, per load of 50 feet - - - -	*2*	*0*
	Firewood, per 216 cubic feet fathom - - - -	*1*	*6*
	Laths and Lathwood, per fathom of 216 cubic feet - -	*2*	*6*
10	Handspikes, per 120 - - - - -	*3*	*0*
	Oars, per 120 - - - - - -	*5*	*0*
	Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120 - - - - -	*5*	*0*
	Ditto, 2½ inches in diameter, and under, per 120 - -	*4*	*0*
15	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120 - - - - -	*9*	*0*
	Ditto, above 4 and under 6 inches in diameter, per 120 - -	*14*	*0*
	Spokes of wheels, not exceeding 2 feet in length, per 120 -	*2*	*0*
	Ditto, exceeding 2 feet in length, per 120 - - -	*3*	*0*
20	Trenails, per 1,000 - - - - - -	*2*	*6*
	Wedges, per 1,000 - - - - - - -	*2*	*6*
	Pipe Staves, and others in proportion, per 120 - -	*2*	*6*
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	*2*	*0*
	Wool, per cwt. - - - - - - - -	*0*	*4*
25	Yarn, per cwt. - - - - - - - -	*0*	*2*

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

	Light goods, per cube foot - - - - -	*0*	*1*
	Heavy goods, per ton - - - - - -	*2*	*0*

In charging the rates on goods the gross weight or measurement of all goods
30 to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st, Rates of Craneage.

	All goods or packages not exceeding 1 ton - - -	*0*	*4*
35	Exceeding 1 ton and not exceeding 2 tons - - - -	*0*	*6*
	„ 2 tons „ 3 tons - - -	*0*	*8*
	„ 3 tons „ 4 tons - - - -	*0*	*10*
	„ 4 tons „ 5 tons - - - -	*1*	*0*
	„ 5 tons „ 6 tons - - - -	*1*	*2*
40	„ 6 tons „ 7 tons - - - -	*1*	*4*
	„ 7 tons „ 8 tons - - - -	*1*	*6*
	„ 8 tons „ 9 tons - - -	*1*	*10*
	„ 9 tons „ 10 tons - - - -	*2*	*4*
	„ 10 tons - - - - - -	*3*	*6*

45 *2d, Weighing Machines.*

	For goods weighed, for each ton or part of a ton - - -	*0*	*2*

3d, Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier
50 for a longer time than 48 hours, the sum of *3d.*; and the sum of *1½d.* per ton for each day during which such goods shall remain after first 48 hours.

	For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day, or part of a day, per package - -	*0*	*2*

IV.—Rates for supplying Water on Pier.

	s.	*d.*
Water, per 1,000 gallons - - - - - -	*10*	*0*

V.—Rates on Passengers and Promenaders using the Pier.

For every passenger or other person who shall land on the pier from, or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding - -	*0*	*6*
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	*0*	*4*
For every bath or sedan chair taken on the pier, for each and every time, any sum not exceeding - - - - -	*0*	*6*
For every perambulator - - - - -	*0*	*2*
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Northam, and using the said pier for the purpose of going to or returing from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	*20*	*0*

VI.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package, within the description of luggage, not exceeding 28lbs. - -	*0*	*2*
Over 28lbs. and not exceeding 84lbs. - - - -	*0*	*4*
Over 84lbs. and not exceeding 112lbs. - - - -	*0*	*5*
Over 112lbs. and not exceeding 140lbs. - - - -	*0*	*6*
Over 140lbs. and not exceeding 196lbs. - - - -	*0*	*7*
Over 196lbs. and not exceeding 2cwt. - - - -	*0*	*8*
And for every cwt. beyond - - - - -	*0*	*4*
And for every 20lbs. weight in addition - - - - -	*0*	*1*

SHANKLIN.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Shanklin in the Isle of Wight in the County of Southampton.

Preamble. **Whereas** under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Shanklin Bay Pier Company (Limited) made application by a memorial to the Lords of the Committee of Her Majesty's most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, hereafter in this Order called the Board of Trade, praying their Lordships to grant a Provisional Order containing powers for the construction of a Pier and approaches at Shanklin in the County of Southampton, for the complete execution of the works, and for the levying of rates and tolls:

And

AND WHEREAS the estimated expenditure on the proposed works is 24,000*l.*, and no more:

AND WHEREAS the promoters published the advertisements and deposited the documents which, by the last-mentioned Act, they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do, by this our Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

The Undertakers.

1. The Shanklin Bay Pier Company (Limited), hereafter in this Order called the Company, shall be the Undertakers of the Works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the Works authorized by this Order, the Company may from time to time, by agreeement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

5. The works authorized by this Order comprise the following:—

(1.) The construction of a promenade pier (with a landing place, and all necessary works and conveniences, for the embarking and landing of passengers, goods, and merchandise, and other purposes), commencing at a point near the present Coastguard House in the Parish of Shanklin, and extending seawards, east by south, 1,200 feet or thereabouts:

(2.) The improvement and formation of approaches to the pier by means of the following works:—

(*a.*) The widening of the road on the south-east side of the Chine Inn in Shanklin:

(*b.*) The making of a road or viaduct commencing at or near the north-east side of the road forming the north-east boundary of the grounds of Everton House, and terminating on the Cliff at or near its northern edge, south-west of the Chine, at a point about 30 yards westward of the south-eastern or seawards edge of the Cliff, in Shanklin.

Power to take rates according to Schedule to this Order.

6. The Company may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

7. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with Persons for the use of the Pier.

8. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms and for such a period, not exceeding one year, as may be agreed on, but so that no preference be given to any person. Such a pass ticket shall not be transferable and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847 (for all the purposes of which Act this Order shall be deemed the Special Act).

Custom House Officers exempt from rates.

9. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land, and with their vessels and otherwise, without payment.

Lands for extraordinary Purposes.

10. The Company shall not purchase, for extraordinary purposes, land exceeding in extent in the whole three acres.

Meters and weighers.

11. The Company shall have the appointment of meters and weighers on or in connection with the pier.

Parts of Harbours, &c. Act, 1847, excepted.

12. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely sections sixteen to nineteen and twenty-one to twenty-three, all inclusive.

Steam Engines, diving bells, lighters, &c.

13. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47, to apply.

14. Part V. of The Harbours and Passing Tolls &c., Act, 1861, shall apply to the Works authorized by this Order.

Restriction on use of Pier.

15. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier or jetty authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Short title.

16. This Order may be cited as The Shanklin Pier Order, 1865.

Board of Trade, Whitehall.
Dated this 6th day of April 1865.

T. H. Farrer,
Secretary.

Schedule.

SCHEDULE.

I.—Rates on Vessels Using the Pier.

		s.	*d.*
	For every vessel under the burden of 15 tons, per ton	*0*	*4*
	For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
	For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
	For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
	For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
	All lighters, for each trip, per ton	*0*	*2*
	All boats, entirely open, landing or taking on board goods, each	*0*	*6*

II.—Rates of Goods Shipped or Unshipped at the Pier.

		s.	*d.*
	Ale, beer, and porter, per hogshead	*0*	*6*
	Ale (bottled), per barrel	*0*	*4*
	Ditto, per dozen bottles	*0*	*1*
	Anchors, per cwt.	*0*	*9*
	Anchor stock, per foot run	*0*	*2*
	Bark, per ton	*2*	*0*
	Bedding, per bundle	*0*	*3*
	Beef or pork, per cwt.	*0*	*3*
	Ditto, per barrel	*0*	*6*
	Biscuit or bread, per cwt.	*0*	*3*
	Blubber, per ton of 252 gallons	*3*	*0*
	Bones and bone dust, per ton	*1*	*6*
	Bottles, per gross	*0*	*9*
	Bricks, per 1,000	*1*	*6*
	Butter and lard, per barrel	*0*	*6*
	Ditto, per firkin	*0*	*3*
	Cables, iron or hempen, per ton	*3*	*0*
	Canvas, per bolt	*0*	*1*
	Casks (empty), not being returned packages, per puncheon	*0*	*3*
	Other casks in proportion.		
	Cattle:—		
	Bulls, cows, and oxen, each	*3*	*0*
	Calves, each	*1*	*0*
	Horses, each	*4*	*0*
	Pigs, each	*0*	*6*
	Sheep, each	*1*	*0*
	Chalk, per ton	*1*	*0*
	Cheese, per cwt.	*0*	*4*
	Chimney pots, each	*0*	*3*
	Clay, per ton	*1*	*0*
	Cloth, haberdashery, &c., per package not exceeding cwt.	*0*	*6*
	Carriages:—		
	Chaises and other four-wheeled carriages, each	*7*	*6*
	Gigs, carts, and other two-wheeled carriages, each	*5*	*0*
	Hand carts and perambulators, each	*1*	*0*
	Coals, per ton	*1*	*0*
	Copper, per ton	*3*	*0*

	s.	d.
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small ditto or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries (not enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather (tanned and dressed), per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6

		s.	*d.*
	Potatoes, per cwt.	*0*	*2*
	Poultry and game, per dozen	*0*	*4*
	Rags and old rope, per ton	*2*	*0*
5	Sails, per cwt.	*0*	*6*
	Salt, per cwt.	*0*	*1*
	Sand, per ton	*1*	*0*
	Shrimp baskets, each	*0*	*2*
	Skins:—Calf, goat, sheep, lamb, or dog, per dozen	*0*	*6*
10	Slates, per ton of 24 cubic feet	*2*	*0*
	Spirits (Foreign and British), per hogshead	*1*	*0*
	Ditto, ditto, per gallon	*0*	*1*
	Stones, per ton of 16 cubic feet	*1*	*6*
	Steel, per ton	*3*	*0*
15	Sugar, per cwt.	*0*	*3*
	Tallow, soap, and candles, per cwt.	*0*	*3*
	Tea, per chest	*1*	*0*
	Tiles, per 1,000	*1*	*6*
	Tin and zinc, per ton	*3*	*0*
20	Tobacco, per cwt.	*0*	*6*
	Turbot, per score	*0*	*3*
	Turnips, per ton	*0*	*6*
	Turpentine and varnish, per barrel	*0*	*6*
	Turtle, each	*2*	*6*
25	Vegetables (not enumerated), per cwt.	*0*	*4*
	Vinegar, per hogshead	*0*	*6*
	Vitriol, per carboy	*1*	*0*
	Water, per cask	*0*	*3*
	Wine, per hogshead	*1*	*0*
30	Ditto bottled, per dozen bottles	*0*	*2*
	Wood:—		
	Fir, pine, and other descriptions not enumerated, per load of 50 feet	*1*	*6*
	Oak or wainscot, per load of 50 feet	*2*	*0*
	Firewood, per 216 cubic feet fathom	*1*	*6*
35	Laths and lathwood, per fathom of 216 cubic feet	*2*	*6*
	Handspikes, per 120	*3*	*0*
	Oars, per 120	*5*	*0*
	Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	*5*	*0*
40	Ditto, 2½ inches in diameter and under, per 120	*4*	*0*
	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	*9*	*0*
	Ditto, above 4 and under 6 inches in diameter, per 120	*14*	*0*
	Spokes of wheels, not exceeding 2 feet in length, per 120	*2*	*0*
45	Ditto, exceeding 2 feet in length, per 120	*3*	*0*
	Trenails, per 1,000	*2*	*6*
	Wedges, per 1,000	*2*	*6*
	Pipe staves, and others in proportion, per 120	*2*	*6*
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	*2*	*0*
50	Wool, per cwt.	*0*	*4*
	Yarn, per cwt.	*0*	*2*

All other Goods not particularly enumerated above.

	Light goods, per cube foot	*0*	*1*
	Heavy goods, per ton	*2*	*0*

55 In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Craneage.

			s.	d.
All goods or packages not exceeding 1 ton			0	4
Exceeding 1 ton and not exceeding 2 tons			0	6
„ 2 tons	„ 3 tons		0	8
„ 3 tons	„ 4 tons		0	10
„ 4 tons	„ 5 tons		1	0
„ 5 tons	„ 6 tons		1	2
„ 6 tons	„ 7 tons		1	4
„ 7 tons	„ 8 tons		1	6
„ 8 tons	„ 9 tons		1	10
„ 9 tons	„ 10 tons		2	4
„ 10 tons			3	6

2nd. Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2	

3rd. Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of *3d.*, and the sum of *1½d.* per ton for each day during which such goods shall remain after first 48 hours			
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2	

IV.—Rates for Supplying Water on Pier.

Water, per 1,000 gallons	10	0	

V.—Rates on Passengers and Promenaders Using the Pier.

	s.	d.	
For every passenger or other person who shall land on the pier from or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	0	6	
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	4	
For every bath or sedan chair, taken on the pier, for each and every time, any sum not exceeding	0	6	
For every perambulator	0	2	
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Shanklin, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0	

VI.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28lbs.	0	2	
Over 28lbs. and not exceeding 84lbs.	0	4	
„ 84lbs. „ 112lbs.	0	5	
„ 112lbs. „ 140lbs.	0	6	
„ 140lbs. „ 196lbs.	0	7	
„ 196lbs. „ 2 cwt.	0	8	
And for every cwt. beyond	0	4	
And for every 20lbs. weight in addition	0	1	

Pier and Harbour Orders Confirmation.

A

BILL

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Carrickfergus, Hastings, Maldon, Northam, and Shanklin.

(Prepared and brought in by Mr. Dodson, Mr. Milner Gibson, and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,* 9 *May* 1865.

[Bill 130.]

Under 5 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Carrickfergus, Hastings, Maldon, Northam, and Shanklin.

Preamble. 24 & 25 Vict. c. 45.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule hereto, with the Amendments herein-after mentioned relating to the Maldon Harbour Provisional Order, and subject to the Provisions herein-after contained, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Orders in Schedule.

1. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in

in Manner and Form as they are set out in the said Schedule shall, from and after the passing of this Act, have full Validity and Force.

CLAUSE A. Amendment of Maldon Order.

2. With respect to the Maldon Provisional Order, Clause Seven thereof shall be deemed to be and is by this Act expunged therefrom, and in lieu of that Clause the following Clause shall be deemed to be inserted therein; namely,

Limits of Harbour.

The Limits within which the Commissioners shall have Authority (which shall be deemed the Limits to which this Order extends) shall extend in and over the whole of the River Blackwater, from that Part which is intercepted by the Cross Section Number Eight, shown on the Plan deposited with the Clerk of the Peace for the County of Essex, of the proposed Works (herein-after referred to as the deposited Plan), to the Bridge called Fullbridge at Maldon, and in and over the whole of Heybridge Creek up to the Stone Bridge at Heybridge, and in and over all Creeks, Bays, Inlets, and Outlets running in, to, or out of the said River and Creek within the aforesaid Limits.

CLAUSE B.

3. The following Additions shall be made to the Maldon Order:—

Defining Limits of Deviation.

The Limits of Deviation for the Works authorized by the said Order shall extend to High-water Mark on each Side of the Channel of the River Blackwater as shown on the deposited Plan.

Entrance to Creek to be kept open.

If the Entrance from the River Blackwater into the Creek or Channel in which the Lock standing at the Mouth of the Canal of the said Company of Proprietors is built, or the said Creek or Channel or any Part thereof respectively, shall by reason of the Execution of any of the Works authorized by this Order be silted up, or rendered less deep or narrower or less commodious than the same now is, the Commissioners shall (after reasonable Notice so to do), at their own Expense, dredge and cleanse the said Entrance and the said Creek or Channel in such Manner that the Obstruction shall be wholly removed, and the said Entrance and the said Creek or Channel shall be rendered as deep and wide and as commodious as the same now is; and if in the Case aforesaid the Commissioners shall neglect so to dredge and cleanse the said Entrance or the said Creek or Channel, or to remove the Obstruction therefrom, the said Company of Proprietors may dredge and cleanse the same respectively, and may remove the Obstruction therefrom, and shall recover the Expenses thereby incurred from the Commissioners as liquidated Damages.

Compensation to be made to

If any of the Works of the said Company of Proprietors shall be injuriously affected by the Works authorized by this Order, or by any

any Insufficiency or Deficiency in the Execution of the Works authorized by this Order, the Commissioners shall make Compensation to the said Company of Proprietors for any Loss that may be sustained by them thereby; the Amount of such Compensation shall be settled by Arbitration or by a Jury in the Manner provided by The Lands Clauses Consolidation Act, 1845, Section Sixty-eight, which Section (for the Purpose of this present Clause only) shall be incorporated with this Order. Company if Works affected.

Vessels coming up the River Blackwater for the Purpose of discharging and which shall discharge their Cargoes below the Limits of Jurisdiction defined by this Order into Lighters, Barges, or Boats for the Purpose of being carried and which shall be carried into Heybridge Basin, thence to be carried by the Canal of the Company of Proprietors of the Chelmer and Blackwater Navigation, or by Land, shall not be liable to the Rates leviable under this Order. Exemption from Rates.

4. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865. Short Title.

The SCHEDULE of Provisional Orders.

1. Carrickfergus.
2. Hastings.
3. Maldon.
4. Northam.
5. Shanklin.

SCHEDULE.

CARRICKFERGUS.

Provisional Order of the Board of Trade for the Amendment of The Carrickfergus Harbour Order, 1862.

Preamble. 25 & 26 Vict. c. 51.

WHEREAS by The Pier and Harbour Orders Confirmation Act, 1862, The Carrickfergus Harbour Order, 1862 (hereafter in this Order called the Order of 1862), set out in the Schedule to the said Act, made under The General Pier and Harbour Act, 1861, and The General Pier and Harbour, 1861, Amendment Act, empowering the Carrickfergus Harbour Commissioners (hereafter in this Order called the Commissioners) to improve, maintain, and regulate the Harbour of Carrickfergus in the county of the town of Carrickfergus, was, with an exception, confirmed:

AND WHEREAS the Commissioners made application, by memorial, to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called the Board of Trade), representing that the works authorized by the Order of 1862 had not been commenced, and that no money had been borrowed under that Order, and praying their Lordships to grant a Provisional Order for the raising of further capital, and for the amendment of the Order of 1862:

AND WHEREAS the total estimated expenditure on the proposed works is 8,000*l.*, and no more:

AND WHEREAS the Commissioners published the advertisements and deposited the documents which, by the last-mentioned Act, they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

Repeal of Sections and Schedule in former Order.

1. Sections 4 to 16 (both inclusive) of the Order of 1862, with the Schedule therein referred to, are hereby repealed; but nothing herein contained shall invalidate any act done under the authority of those sections before this repeal takes effect, or affect any right, title, obligation, or liability then acquired or accrued thereunder.

Money.

Borrowing.

2. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order not exceeding in the whole the sum of 8,000*l.*

3. In

Sinking Fund.

3. In order to create a sinking fund for the discharge of the principal money so borrowed the Commissioners shall yearly set apart the surplus annual revenue of the harbour (hereafter in this Order defined), and shall deposit the same in some Joint Stock Bank of Issue in Ireland, to be increased by accumulation, in the way of compound interest or otherwise, until the accumulated fund is sufficient to pay off the principal money borrowed, or any such part thereof as the Commissioners think ought to be then paid off, and the Commissioners shall then apply such accumulated fund in such payment accordingly, but so that the Commissioners shall not allow any sum exceeding 500*l.* to remain so deposited for a longer time than six calendar months without applying the same in such payment.

Re-borrowing.

4. Any money borrowed under this Order, and discharged by means of the sinking fund, shall not be re-borrowed, but any money borrowed and discharged otherwise than by means of the sinking fund may be re-borrowed if required for the purposes of this Order, and so toties quoties.

Receiver.

5. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a Receiver. The amount to authorize a requisition for a Receiver is 1000*l.*

Money to be applied to purposes of Order.

6. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order.

Lands.

Power to take specified lands by agreement.

7. For the purposes of this Order the Commissioners may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works, and also all or any part of the lands described in Schedule A. to the Order of 1862 annexed.

Lands Clauses Acts incorporated.

8. The Lands Clauses Consolidation Act, 1845, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, are incorporated with this Order.

Works.

9. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

10. The works authorized by this Order are the following:-

Power to make works.

(1.) A pier, with all proper approaches, works, and conveniences connected therewith, on the eastern side of the harbour of Carrickfergus, commencing near the seaward end of the existing pier or quay, and running in a southerly direction for a distance of 600 feet or thereabouts, then with a cant in a westwardly direction for a distance of 100 feet or thereabouts, such pier to be partly stone and partly open pile work,—and the excavation of soil on the western side of the said intended pier:

Description of pier and breakwater.

(2.) A stone breakwater to protect the same intended pier, 400 feet or thereabouts in length, lying about 350 feet to the westward of and parallel to the pier, with an easterly cant at the south end.

Rates.

Power to take rates according to Schedule.

11. The Commissioners may demand and receive in respect of the vessels, persons, goods, and things described in the Schedule hereto annexed any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom House Officers exempt.

13. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, from, and out of the pier and harbour by land, with their vessels and otherwise, without payment.

Application of rates and moneys received by the Commissioners.

14. The Commissioners shall apply all rates received under this Order, and all other moneys coming to their hands from the existing harbour or new works, or the lands or property connected therewith, for the purposes, and in the order following, and not otherwise :—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying from year to year the expenses of the maintenance, management, and regulation of the existing harbour and new works, and the lands and property connected therewith:

3.) In paying the interest accrued due on any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) In paying the rent accrued due in respect of the property described in Schedule A. to the Order of 1862 annexed, and in fining down such rent in pursuance of any agreement in that behalf made or to be made:

(5.) As to the surplus annual revenue of the harbour,—that is to say, so much of the rates and other moneys aforesaid as remains from year to year after making the several payments before in the present section directed,—in creating a sinking fund in manner and for the purposes before in this Order specified.

Construction, and Short Titles.

15. This Order shall be construed with the Order of 1862 as one Order, and may be cited as The Carrickfergus Harbour Amendment Order, 1865; and the Order of 1862 and this Order may be cited together as The Carrickfergus Harbour Orders, 1862 and 1865.

Board of Trade, Whitehall.
Dated this 10th day of April 1865.

T. H. Farrer,
Secretary.

SCHE-

SCHEDULE.

I.—Rates on Vessels entering or using the existing Harbour or New Works.

		s.	*d.*
	For every vessel under the burden of 15 tons, per register ton -	0	4
	For every vessel of the burden of 15 tons and under 50 - -	0	6
	For „ „ 50 „ 100 - -	0	8
	For „ „ 100 „ 150 - -	0	10
	For „ „ 150 and upwards - - -	1	0
	For every vessel which remains in the harbour more than three weeks continuously, there shall be paid for every week or part of a week during which the same remains in the harbour after the first three weeks the further sum, per register ton, of -	0	3
	All lighters from any vessel in the roads shall be exempted from rates, but if the vessel do not enter the harbour every lighter shall pay for each trip, per ton - - - - -	0	2
	All boats entirely open landing or taking on board goods, each -	0	6
	All other boats entirely open, pleasure yachts, and boats employed in fishing, exempt.		

II.—Rates on Passengers landing on or embarking from the existing Harbour or New Works.

		s.	*d.*
	For every person landing from or embarking in any steamboat or other passenger vessel any sum not exceeding - - -	0	2

III.—Rates on Goods Shipped or Unshipped at the existing Harbour or New Works.

		s.	*d.*
	Alabaster, rough, per ton - - - - - -	0	3
	„ worked, per cwt. - - - - -	0	3
	Ale, beer, or porter, per butt or pipe - - - -	1	0
	„ „ per hogshead - - - - -	0	6
	„ „ per barrel - - - - -	0	3
	„ „ in bottles, per dozen - - - -	0	1
	Ale, bottled, per barrel bulk - - - - -	0	3
	Animals, wild, each - - - - - -	0	9
	„ or birds, stuffed, per package - - - -	0	6
	Anchors, per cwt. - - - - - -	0	2
	Apples, in bulk, per ton - - - - - -	0	6
	Artificial manures, per ton - - - - -	0	8
	Ashes, barilla, per cwt. - - - - - -	0	1
	„ pearl and pot, per cwt. - - - - -	0	2
	„ black, per cwt. - - - - - -	0	1
	„ bleaching, per cwt. - - - - -	0	2
	„ common Irish, per cwt. - - - - -	0	1
	„ soda, per cwt. - - - - - -	0	1
	Asphaltum, per cwt. - - - - - -	0	1
	Bags or sacks (not returned), per bundle - - - -	0	1

	s.	*d.*
Bacon or pork, per cwt.	0	2
Ballast, per ton, registered measurement of vessel	0	3
Bark, tanners' chopped, per ton	1	0
Barley, per ton	0	3
Baskets, per dozen	0	1
Beans, per ton	0	3
Beef or pork, per tierce	0	4
„ „ per barrel	0	2
„ „ per half-barrel, and smaller package	0	1
„ „ per ton	1	0
Biscuit or bread, per cwt.	0	2
Bleaching-powder, per hhd.	0	6
„ per barrel	0	3
Blocks, ship, per dozen	1	0
Bogwood, per ton	0	3
Boilers, steam, large	2	6
„ small, under one ton each	0	9
Bone dust, per ton	0	8
Bottles, loose, empty, per gross	0	2
„ in baskets or carboys, full	0	6
Bran, per ton	0	3
Brandy, per hogshead	1	0
Bricks, common, per 1,000	0	8
„ fire, per 1,000	1	0
„ Bath, per 1,000	1	0
Butter, per cask	0	3
„ per firkin	0	1½
„ per barrel	0	4
Cables, per cwt.	0	2
Candles, tallow, chest of 14 dozen	0	6
„ „ half-chest	0	3
„ wax, per 12 lbs.	0	1
Canes, per bundle	0	6
Carriages or coaches, each	1	0
Carts, each	0	6
Casks, empty (not returned), each	0	2
Cattle, asses, and mules, each	0	3
„ bulls, each	0	3
„ cows and oxen, each	0	2
„ calves and lambs, each	0	0½
„ horses, each	0	2
„ pigs or sheep, each	0	0½
„ sucking pigs, each	0	0½
Cement, per cwt.	0	1
Chains, per cwt.	0	2
Chalk, per ton	0	8
Cheese, per cwt.	0	6
Chimney-pots, earthenware, each	0	1
China, per hogshead	1	6
„ per tierce	1	0
Cigars, per cwt.	0	6
Clay, pipe and potters', per ton	0	6
„ fire, per ton	0	3
Cloth, packs not exceeding 1 cwt.	0	4
Cloths, linen, woollen, bale, pack, or truss, per cwt.	0	4
„ in boxes, per foot	0	1
Cloverseed, per sack	0	3
Coals, per ton	0	3

		s.	*d.*
	Coke, per ton	0	4
	Copper, per ton	1	6
	Cordage, per cwt.	0	2
5	Cordials, per case of 1 dozen	0	1
	„ per hogshead	1	0
	Corn, viz.:—		
	Wheat, per ton	0	3
	Barley, per ton	0	3
10	Oats, per ton	0	3
	Barleymeal, per ton	0	4
	Indian corn, per ton	0	3
	„ meal, per ton	0	4
	Oatmeal, per bag	0	2
15	Beans and peas, per bag	0	2
	Rye, per bag	0	2
	Corkwood, per cwt.	0	3
	Corks, per ten gross	0	2
	Culm, per ton	0	3
20	Currants, per butt	1	0
	Dates, per cwt.	0	3
	Dissolved bones and other artificial manures, per ton	0	8
	Dogs, and other animals not enumerated, each	0	2
	Drugs in casks, hampers, or boxes, at per foot	0	1
25	Dyers' stuff, per cwt.	0	4
	Dyes, per cwt.	0	3
	Earthenware, coarse, in bulk, per potters' dozen	0	3
	„ in crates, at per crate	0	8
	Eggs, per gross of 12 dozen	0	1
30	Empty bags or sacks (not returned), per bundle	0	1
	Farming implements, per ton	1	4
	„ „ per barrel bulk	0	2
	Feathers, per bale	0	4½
	„ per bag	0	3
35	Felt, per cwt.	0	1
	Fish: herrings, cured, per barrel	0	3
	„ other fish cured (not before specified), per cwt.	0	1
	Flagstones, rough, per 100 feet	1	0
	„ worked, per 100 feet	2	0
40	Flaxseed, per hogshead	0	6
	„ per bag	0	3
	„ per barrel	0	2
	Flax, rough, per ton	1	0
	„ dressed, per stone	0	1
45	„ per dozen hanks	0	1
	Flour, per sack	0	2
	„ per barrel	0	1½
	Flower roots, plants, or trees, in packages, at per foot	0	1
	Freestones, per ton	1	0
50	Fruit, green, per cwt.	0	1
	„ dry, per cwt.	0	2
	Fuel, patent, per ton	0	4
	Furnaces, metal, per cwt.	0	3
	Furniture, household, new, at per barrel bulk	0	1
55	Gas metres, per crate or box	0	6
	„ each	0	1
	Gates, iron or wood, each	0	2
	Geese, per 100	1	0
	Glass, per crib, slide, or case	0	6

	s.	d.
Grains, per ton	0	4
Grain, not enumerated, per ton	0	3
Granite, per ton	0	3
Grasseed, per sack	0	3
Grates or stoves, per foot	0	2
Gravel or sand, per ton	0	3
Groats, per cwt.	0	2
Groceries, per box, package, or hamper	0	4
Guano, per ton	0	8
Gunpowder, per barrel	0	3
„ per half-barrel	0	1½
Haberdashery and hosiery, in bales, per cwt.	0	4
„ „ in boxes, per foot	0	1
Hams, per cwt.	0	2
Hardware, per cwt.	0	2
Hats, per box, per foot	0	1
Hay, per ton	1	6
„ per truss	0	2
Hemp, per ton	1	6
Herrings, cured, per barrel	0	3
Hides, wet or dry, for every 100 in number	1	4
„ fleshings, per cwt.	0	2
Household furniture, new, per barrel bulk	0	1
„ belonging to parties changing their residence only, per 10 barrels bulk	0	6
Husbandry utensils, per ton	1	4
„ per barrel bulk	0	2
Ice, per ton	0	6
Iron, pig, per ton	0	8
„ bar, bolt, and wrought, per ton	1	4
„ plate and sheet, per ton	0	4
„ hoops, per cwt.	0	1
„ cask, hollow ware, per cwt.	0	3
„ cast solid, per cwt.	0	2
„ ore, per ton	0	4
„ scrap, per ton	0	6
„ wire and nailrods, per cwt.	0	1
Junk, or old ropes, per cwt.	0	1
Jute, per ton	0	6
Kelp, per ton	0	3
Kerb stones, per ton	0	3
Lead, pigs of, per ton	1	4
„ pipes, per ton	0	6
„ sheet, per cwt.	0	1
Lamps, each	0	1
Leather, tanned, per cwt.	0	2
„ wrought, per cwt.	0	3
Lemons, per chest	0	4
„ per box	0	2
Lime, burnt, per ton	0	6
Limestone, per ton	0	3
Linen or woollen rags, per cwt.	0	1
„ „ cloth, per cwt.	0	4
Linseed meal, per ton	1	0
„ cake, per ton	1	0
Liquor, in bottles, per case or box	0	6
Liquors (not enumerated), per hogshead	1	0
„ „ per barrel	0	6

		s.	d.
	Loam, or moulding sand, per ton	0	3
	Machinery :—		
	Steam and other engines, and part of the same, per cwt.	0	2
5	Wood and iron mixed, per foot	0	1
	Malt, per quarter	0	2
	Manure (not enumerated), per ton	0	3
	Marble, rough, per ton	1	0
	„ worked, per cwt.	1	0
10	Masts or spars, each	0	6
	Mats and matting, per parcel	0	2
	Matches, per hogshead	0	3
	„ per case or barrel	0	2
	Maunds or hampers, empty, imported, per dozen	0	1
15	Meal, per bag (all kinds, not enumerated)	0	2
	„ per ton	0	4
	Meat, per cwt.	0	2
	Metal castings (not enumerated), per cwt.	0	3
	Millinery, per foot	0	1
20	Mineral and aërated waters, in bottles, per dozen	0	1
	Muslin, per bale	0	6
	„ per parcel	0	3
	Nails, per cwt.	0	1
	Naphtha, per puncheon	0	2
25	„ per carboy	0	1
	Nuts, per bag or barrel	0	2
	Oakum, per cwt.	0	1
	Oars, per dozen	0	3
	Oats, per ton	0	3
30	Oil, castor, per cwt.	0	4
	„ sperm, per hogshead	1	0
	„ sweet and lamp, and all oils not enumerated, per hogshead	0	10
	„ in flasks, per chest	0	4
	„ „ per half-chest	0	2
35	Oilcake, per ton	1	0
	Onions, per cwt.	0	1
	Oranges, per box	0	2
	„ per chest	0	4
	Oysters, per ton	1	8
40	Paintings, pictures, and pier glasses, per foot	0	3
	Paints and painters' colours, per cwt.	0	2
	Pans, brass or metal, per cwt.	0	6
	Paper, per cwt., common	0	1½
	„ stationery, per cwt.	0	4
45	Peas, per bag	0	2
	Petroleum, per ton	5	0
	Perfumery, per package	0	3
	Periodicals and newspapers, per parcel	0	1
	Pipes for smoking, per hogshead	1	0
50	„ per barrel	0	6
	Pipes, metal, per ton	0	8
	„ earthenware, for draining, per ton	1	0
	Ploughs, each	0	6
	Potash, per cwt.	0	1
55	Potatoes, per ton	0	6
	Poultry and game, per dozen	0	4
	Puncheons, empty, and not returned, each	0	2
	Putty, glaziers', per cask	0	3
	Rags, per ton	1	0

	s.	d.
Raisins and figs, per cwt.	0	2
Rice, per tierce	0	8
„ per barrel	0	4
Rope-coil, per cwt.	0	2
Rope-coil yarn, per cwt.	0	1
Rosin, per barrel	0	1
Sacking, per bale	0	2
Sago, per cwt.	0	2
Sails, per cwt.	0	4
Salt, per ton	0	10
„ fine, per cwt.	0	4
„ coarse, for manure, or curing fish, per ton	0	3
„ rock, per ton	0	3
Sand or gravel, per ton	0	3
Scuttles, coal, per dozen	0	3
Scythe stones, per cwt.	0	3
Scythes, per dozen	0	2
Seeds, garden, or agricultural grass seeds, per cwt.	0	3
„ not enumerated, per cwt.	0	3
Shot, bird, per cwt.	0	3
Shovel handles, per dozen	0	1
Silk, per cwt.	0	8
Skins, per score	0	6
Slabs, marble, per ton	1	0
„ slate, per ton	0	3
Slates, scantle, per 1,000	0	3
„ common helling, per 1,000	0	2
Slate, earth or tombstone, per foot	0	0¼
Soap, per cwt.	0	2
Soda, per barrel	0	1
Soda-water, per dozen	0	1
Spades and shovels, per dozen	0	4
Spirits, foreign and British, per hogshead of 56 gallons	0	8
Starch, per cwt.	0	2
Steel, per cwt.	0	6
Sticks, walking, per bundle	0	2
Stones, per ton	0	3
„ grinding, per cwt.	0	1
„ Caen, for millstones, per 100	3	0
Straw, per ton	1	6
Sulphur, per cwt.	0	3
Sugar, soft, per cwt.	0	4
„ refined, in barrels	0	2
„ „ in hogsheads	1	4
Tar, pitch, or rosin, per barrel	0	2
Tea, per chest	1	6
Tiles, paving, per score	0	1
„ roofing, per 1,000	0	9
Timber, not enumerated, per load of 55 feet	0	6
„ mast pieces, under 12 inches, each	0	6
„ wainscot boards, per 100	1	0
Tinplate, per box	0	2
Tobacco, per cwt.	0	3
Tow, per ton	1	8
Toys, per case	0	3
Trawlbeams, each	0	4
Treacle or molasses, per puncheon	0	10
„ per half-puncheon	0	5
„ per cask	0	3

	s.	d.
Treenails, under 2 feet in length, per 1,000	0	6
„ exceeding 2 feet in length, per 1,000	1	0
Turf, per ton	0	6
Turnips or mangold, per ton	0	6
Turpentine, per cwt.	0	6
Twine or netting, per cwt.	0	3
Varnish, per barrel	0	6
Vegetables, shipped, per cwt.	0	1
Vetches, per ton	0	3
Vinegar, per pipe	1	0
„ per hogshead	0	6
„ per firkin	0	3
Vitriol, per carboy	0	6
Wheat, per ton	0	3
Whiskey, per puncheon	2	0
Whiting, per cwt.	0	1
Wine, foreign, per pipe, all sorts	2	6
„ British, per pipe, all sorts	1	6
„ per hogshead, all sorts	1	0
„ per barrel, all sorts	0	6
„ in bottles, all sorts, per dozen	0	2
Wood, deals, per 120	1	0
„ battens, Petersburg, per hundred	0	6
„ fir, pine, and other descriptions not enumerated, per load of 50 feet	0	10
„ oak or wainscot, per load of 50 feet	1	0
„ firewood, per fathom	0	6
„ laths and lathwood, per fathom of 216 cubic feet	2	6
„ spars, under 22 feet in length, above $2\frac{1}{4}$ and under 4 inches in diameter, per 120	2	6
„ spars, $2\frac{1}{2}$ inches in diameter and under, per 120	1	4
„ spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	6	6
„ spars, of all lengths, above 4 and under 6 inches in diameter, per 120	12	0
„ lignumvitæ, logwood, mahogany, rosewood, &c., per ton	1	4
Woollen manufactures, at per cwt.	0	8
Wool, per pack	0	4
Yarn, per cwt.	0	2
Zinc, per ton	1	4

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods, per barrel bulk	0	2
Heavy goods, per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk, but when the weight of five cubic feet is greater than two and a half cwt. then two and a half cwt. to be rated as a barrel bulk.

IV.—Rates for the Use of the Cranes, Weighing Machines, and Sheds of the Commissioners.

1st, Rates of Craneage.

	s.	d.
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
„ 2 tons „ 3 tons	0	6
„ 3 tons „ 4 tons	0	8
„ 4 tons „ 5 tons	0	10
„ 5 tons „ 6 tons	1	0
„ 6 tons	1	3

2d, Weighing Machines.

For goods weighed, 1*d.* for each ton or part of a ton.

3d, Shed Dues.

For each ton of goods of eight barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

HASTINGS.

Provisional Order of the Board of Trade for the Amendment of The Hastings Pier and Harbour Order, 1862.

Preamble. 25 & 26 Vict. c. 51.

Whereas by The Pier and Harbour Orders Confirmation Act, 1862, The Hastings Pier and Harbour Order, 1862 (hereafter in this Order called the Order of 1862), set out in the Schedule to the said Act, made under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, empowering the Hastings Pier and Harbour Company (Limited) to construct, maintain, and regulate a pier and harbour at Hastings, in the county of Sussex, was, with an exception, confirmed:

And whereas by The Hastings Harbour Act, 1863, the name of the Hastings Pier and Harbour Company (Limited) was altered to the Hastings Harbour Company (hereafter in this Order called the Company):

And whereas the Company made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called the Board of Trade), praying their Lordships to grant a Provisional Order for the amendment of the Order of 1862:

And whereas the Company published the advertisements and deposited the documents which by the thirdly-mentioned Act they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act

Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That from and immediately after the passing of an Act of Parliament confirming this Provisional Order the following provisions shall have effect:—

Repeal of part of Schedule to former Order.

1. The Schedule to the Order of 1862, as far as it relates to the goods and things in the Schedule to this Order described, is hereby repealed, but not so as to affect any right, title, obligation, or liability acquired or accrued thereunder.

Power to take rates according to Schedule to this Order.

2. The Company may demand and receive, in respect of the goods and things in the Schedule to this Act described, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

3. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier, and not breaking bulk while making use thereof, be exempt from rates leviable under the Order of 1862 or this Order.

Power for Company to contract with persons for use of pier.

4. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier on such terms and for such a period, not exceeding one year, as may be agreed on; but so that no preference be given to any person. Such a pass ticket shall not be transferable, and shall not be used by any person, except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, and this Order shall for all purposes be deemed "the special Act," within the meaning of that Act.

Construction and short titles.

5. This Order shall be construed with the Order of 1862 as one Order, and may be cited as The Hastings Harbour Amendment Order, 1865; and the Order of 1862 and this Order may be cited together as The Hastings Harbour Orders, 1862 and 1865.

Board of Trade, Whitehall.
Dated this 16th day of March 1865.

T. H. FARRER,
Secretary.

SCHEDULE.

	s.	d.
Cattle, viz.:		
Bulls, cows, and oxen, each	2	0
Calves, each	1	0
Horses, each	3	0
Pigs or sheep, each	0	6
Coals, Scotch, English, and culm, per ton	1	0
Fish:		
Dried and salted, per cwt.	0	3
Fresh, per cwt.	0	2
Wood:		
Fir, pine, and other descriptions not enumerated, per load of fifty feet	1	0
Oak, teak, and other hard wood, per load of forty feet	1	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per load of forty feet	1	6
All other goods not particularly enumerated:		
Light goods, per barrel, bulk	0	4
Heavy goods, per ton	1	8

MALDON.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour at Maldon in the County of Essex.

Preamble.

WHEREAS under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the promoters of the Maldon Harbour Improvement made application by a memorial to the Lords of the Committee of Her Majesty's most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called The Board of Trade), praying them (among other things) to grant a Provisional Order under the said Acts, and thereby to constitute and incorporate Commissioners, and to empower such Commissioners to execute the works herein-after mentioned at Maldon, in the County of Essex, and also to levy and recover Harbour rates and duties, and to raise money for such works:

AND WHEREAS the estimated expenditure of the proposed undertaking is 12,000*l.*, and no more:

AND WHEREAS the promoters have published the advertisements and deposited the documents which, by the last-mentioned Act, they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act

Act for the confirmation of this Provisional Order (until which confirmation his Provisional Order will not be of any validity or force whatever):

NOW THEREFORE, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in that behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding in number 14, which Commissioners and their successors are hereby, for the purposes of this Order, incorporated by the name of The Maldon Harbour Improvement Commissioners, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions of this Order.

Meaning of "the Commissioners."

2. The term "the Commissioners," where hereafter used in this Order, means The Maldon Harbour Improvement Commissioners.

3. The appointment of the Commissioners shall be regulated as follows:—

Appointment of the several Commissioners.

(1.) The following ten persons are hereby appointed Commissioners, namely, Henry Ward, The Honourable William Swabey, William Michael Tuffnell, Henry Thomas Eve, Thomas Isaac, Adolphus Piggot, John Granger Sadd, Robert Smith, William Humpherys, and Marven Porter Hicks:

(2.) The Commissioners, when incorporated, shall have power to appoint from time to time (but it shall not be obligatory on them to appoint) to be Commissioners other persons, not exceeding two in number, in addition to the ten persons herein-before named:

(3.) Whenever a vacancy is caused by death, resignation, or otherwise in the office of any person appointed a Commissioner by this Order or by the Commissioners, the Commissioners shall by a special order appoint another person to fill the vacancy, and so toties quoties:

(4.) The Board of Trade may, if they think fit, at any time after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation or otherwise, in the office of any one of those two Commissioners, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

Incorporation of parts of 10 & 11 Vict. c. 16.

4. The Commissioners Clauses Act, 1847 (except sections 17, 19 to 35, both inclusive, and 95), shall be incorporated with this Order, and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) No person shall be capable of acting as a Commissioner (other than a person appointed to be a Commissioner by the Board of Trade) unless he is seized or possessed of property to the value of one thousand pounds:

(2.) With reference to section 39 of the last-mentioned Act, the prescribed number (constituting a quorum) of the Commissioners shall be five:

(3.) The Board of Trade shall appoint a permanent auditor of the accounts of the Commissioners.

Undertakers.

5. The Commissioners shall be the undertakers of the works authorized by this Order.

Commencement of Commissioners' powers.

6. The Commissioners shall be deemed fully constituted and incorporated and shall commence to act under this Order as soon as this Order is confirmed by Act of Parliament.

Limits of Harbour.

7. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall extend in and over the whole of the river Blackwater, from the entrance to Heybridge Basin to the bridge called Fullbridge, at Maldon, and in and over the whole of Heybridge Creek up to the Stone Bridge at Heybridge, and in and over all creeks, bays, inlets, and outlets running into or out of the said river and creek within the aforesaid limits.

Power to take Lands by agreement.

8. For the purposes of the works authorized by this Order the Commissioners may from time to time, by agreement, enter on, take and use such lands near the entrance to, within, or around Heybridge Creek as may be required for the proposed works, not exceeding in the whole two acres.

Incorporation of Lands Clauses Acts.

9. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Order.

Power to execute works.

10. Subject to the provisions of this Order, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, execute and maintain the works shown on the deposited plans and sections.

Description of works.

11. The works authorized by this Order comprise the following:—

The cutting, deepening, widening, straightening, dredging, scouring, altering, and improving the course of the channel of the River Blackwater, commencing fifty yards or thereabouts above or to the south of the entrance to Heybridge Basin, and terminating five yards or thereabouts, below or east of Fullbridge:

The cutting, deepening, widening, straightening, dredging, scouring, altering, and improving the course of that part of the River Blackwater, known as Heybridge Creek, commencing at the junction of the said creek with the said river, and terminating one hundred and thirty yards or thereabouts, north of a piece of ground the property of the Great Eastern Railway Company:

The construction and maintenance of wharves or landing-places, for enabling ships and other vessels to load and unload, and discharge coals and other goods and commodities on the north side of the River Blackwater, at or near the entrance to and on the west side of Heybridge Creek.

Rates in Schedule.

12. Subject and according to the provisions of this Order, the Commissioners may (from and after the expiration of six months from the passing of the Act confirming this Order), demand and receive in respect of vessels described in the Schedule to this Order any sums not exceeding the sums specified in that Schedule.

13. Fishing

Certain fishing vessels under stress of weather exempt from rates.

13. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom house Officers exempt from rates.

14. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and from the harbour by land, and with their vessels, and otherwise, without payment.

Borrowing powers.

15. The Commissioners may from time to time borrow and reborrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of Twelve thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates, tolls, and dues authorized by this Order, or of any of those particulars, or of any other property of the Commissioners.

Repayment of money borrowed by instalments, or sinking fund.

16. The Commissioners shall, out of the tolls, rates, and duties aforesaid, either pay off the money borrowed under this Order, by annual or other instalments within thirty years, reckoned from the expiration of two years after the passing of the Act confirming this Order; or else appropriate as a sinking fund every year, beginning with the expiration of the same term of two years, and until the money so borrowed is fully paid off, a sum equal to one thirtieth part of the money borrowed, and such sinking fund shall be invested, accumulated, and applied according to the provisions of section 84 of The Commissioners Clauses Act, 1847.

Receiver.

17. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a receiver; and the amount to authorize a requisition for a receiver is One hundred pounds.

Money how to be applied.

18. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and moneys received by the Commissioners.

19. The Commissioners shall apply all rates, tolls, and dues received under this Order, after defraying the expenses of collecting the same, and all other moneys coming to their hands from the works authorized by this Order, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

1. In paying the costs of and connected with the preparation and making of this Order:
2. In paying the expenses of the construction, maintenance, management, and regulation of the works authorized by this Order:
3. In paying the interest accrued due on any money borrowed under this Order:
4. In from time to time providing the instalments, or setting apart and appropriating the sinking fund prescribed by this Order for the repayment of money borrowed, as and when any such instalment or such sinking fund is required to be provided or set apart and appropriated:
5. In and towards the purposes of the said harbour.

Commissioners may provide engines, lighters, &c.

20. The Commissioners may, for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters tools, plant, or other materials as they think fit, and may from time to time, as they think fit, sell and dispose of any such dredges, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of this Order or some of them.

Power to maintain and dredge, &c.

21. The Commissioners from time to time may maintain the works authorized by this Order, and dredge and deepen the said river and creek within the limits of this Order, and may place and maintain moorings and buoys in the said river and creek within the limits aforesaid, and do all such lawful acts as they think necessary or proper for preventing or removing obstructions or impediments thereon or therein, and generally for preserving and facilitating the navigation within the limits of this Order; and the soil, gravel, and other materials taken out of or removed from the said river and creek within the limits of this Order, shall become and be the property of the Commissioners, who may from time to time sell or otherwise dispose of the same, or remove and lay down the same within the limits of this Order, and afterwards, from time to time, again take up and remove and sell or otherwise dispose of the same; and all moneys arising therefrom, after payment of the expenses connected therewith, shall be applied for the purposes of this Order.

Pilotage, lights, buoys, and beacons.

22. The Commissioners shall be a pilotage authority and a local authority within the meaning of The Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Lands for extraordinary purposes.

23. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Parts of Harbours Clauses Act excepted.

24. Sections 16, 17, 18, 19, 25, and 26 of The Harbours Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Confirmation of byelaws and provision for management of Harbour.

25. Byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed and confirmed by the Board of Trade, which allowance and confirmation shall be sufficient for all purposes; and it shall not be lawful for the harbour master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as the byelaws expressly authorize him or them to do so.

Saving for Corporations, &c.

26. Nothing in this Order shall take away or abridge any right, privilege, power, jurisdiction, or authority given or reserved to any person or corporation by any local or special Act of Parliament without the consent in writing of such person or corporation.

Short Title.

27. This Order may be cited as The Maldon Harbour Order, 1865.

Board of Trade, Whitehall.
Dated this 6th day of April 1865.

T. H. Farrer,
Secretary.

Schedule.

SCHEDULE.

FOR EVERY VESSEL CARRYING CARGO COMING INTO, AND FOR EVERY VESSEL CARRYING CARGO GOING OUT OF, MALDON HARBOUR.

	s.	*d.*
If under 50 tons, per ton register - - - - -	0	3
If of 50 tons and under 100 tons, per ton register - - -	0	6
If of 100 tons and under 200 tons, per ton register - - -	0	9
If of 200 tons or upwards, per ton register - - - -	1	0

Unregistered vessels to pay at the same rate per ton according to the actual measurement thereof.

Vessels carrying cargo both on coming in and on going out of the harbour, to pay full rate on inwards cargo, and half rate on outwards cargo. Barges of less than 50 tons are exempt from the half rate on such outwards cargo.

NORTHAM.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Northam, in the County of Devon.

Preamble.

WHEREAS under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Northam Pier Company (Limited) made application by memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council, appointed for the consideration of matters relating to Trade and Foreign Plantations, hereafter in this Order called the Board of Trade, praying their Lordships to grant a Provisional Order, containing powers for the construction of a Pier at Northam, in the County of Devon, for the complete execution of the works and for the levying of rates and tolls:

AND WHEREAS the estimated expenditure on the proposed works is 8,000*l.*, and no more:

AND WHEREAS the promoters published the advertisements and deposited the documents which by the last-mentioned Act they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order, until which confirmation this Provisional Order will not be of any validity or force whatever:

NOW, THEREFORE, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

The Undertakers.

1. The Northam Pier Company (Limited), hereafter in this Order called the Company, shall be the Undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Act Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Lands for extraordinary purposes.

4. The Company shall not purchase, for extraordinary purposes, land exceeding in extent in the whole three acres.

Power to make works.

5. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of pier.

6. The works authorized by this Order comprise the following:—

A pier, jetty, and landing place, with all proper works, approaches, and other conveniences connected therewith, for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point on the sea shore distant in a north-westerly direction twenty-six chains five yards, or thereabouts, from the north-west corner of the Northam Burrows Hotel, in the Parish of Northam, in the County of Devon, and extending from such point into the sea in a northerly direction, a distance of 550 feet or thereabouts.

Power to take rates according to Schedule to this Order.

7. The Company may demand and receive, in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

8. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Meters and weighers.

9. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Steam engines, diving bells, lighters, &c.

10. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, moorings, dredging machines, rubbish lighters, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they think reasonable.

Company may contract with persons for use of the Pier.

11. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms and for such a period, not exceeding one year, as may be agreed on, but so that no preference be given to any person.

person. Such a pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847 (for all the purposes of which Act this Order shall be deemed the Special Act).

Restriction on the use of Pier.

12. Nothing in this Order shall entitle any persons to ship or unship from vessels or boats at the pier or jetty authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Parts of Harbours, Docks, and Piers Clauses Act, 1847, excepted.

13. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections sixteen to twenty-three, both inclusive.

Custom House Officers exempt from rates.

14. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land, and with their vessels and otherwise, without payment.

Part V. of 24 & 25 Vict. c. 47. to apply.

15. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Works authorized by this Order.

Short title.

16. This Order may be cited as The Northam Pier Order, 1865.

Board of Trade, Whitehall.
Dated this 6th day of April 1865.

T. H. Farrer,
Secretary.

SCHEDULE to which this Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	2
All boats, entirely open, landing or taking on board goods, each	0	6

II.—Rates on Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2

	s.	*d.*
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:—		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package, not exceeding 1 cwt.	0	6
Carriages:—		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand-carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small ditto or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries (not enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4

		s.	d.
	Hay, per ton	1	6
	Ditto, per truss	0	2
	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
5	Ditto (cured), per barrel	0	3
	Hides:—		
	Ox, cow, or horses (wet or dry), each	0	2
	Iron:—		
	Bar, bolt, rod, and shots, per ton	1	6
10	Pig and old per ton	1	0
	Manufactured, per ton	2	6
	Pots, each	0	1
	Kelp, per ton	2	0
	Lead, per ton	2	6
15	Leather (tanned and dressed), per cwt.	0	3
	Lime, per 28 bushels	1	4
	Limestone, per ton	1	0
	Machinery, per ton	2	6
	Manure (not enumerated), per ton	1	0
20	Masts and spars, 10 inches in diameter and upwards, each	4	6
	Ditto, under 10 inches	3	0
	Meat (fresh), per cwt.	0	6
	Milk, per gallon	0	0½
	Musical Instruments, per cube foot	0	1
25	Nets per 5 cubic feet	0	4
	Oakum, per cwt.	0	2
	Oils, per tun	2	0
	Oilcake, per ton	2	0
	Oranges and Lemons, per box	0	6
30	Ores, per ton	1	0
	Oysters, per bushel	0	3
	Paint, per cwt.	0	4
	Pitch and Tar, per barrel	0	6
	Potatoes, per cwt.	0	2
35	Poultry and Game, per dozen	0	4
	Rags and Old Rope, per ton	2	0
	Sails, per cwt.	0	6
	Salt, per cwt.	0	1
	Sand, per ton	1	0
40	Shrimp baskets, each	0	2
	Skins:—Calf, Goat, Sheep, Lamb, or Dog, per dozen	0	6
	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign and British), per hogshead	1	0
	Ditto, ditto, per gallon	0	1
45	Stones, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, Soap, and Candles, per cwt.	0	3
	Tea, per chest	1	0
50	Tiles, per 1,000	1	6
	Tin and Zinc, per ton	3	0
	Tobacco, per cwt	0	6
	Turbot, per score	0	3
	Turnips, per ton	0	6
55	Turpentine and Varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated) per cwt.	0	4
	Vinegar, per hogshead	0	6

	s.	*d.*
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:—		
Fir, Pine, and other description not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and Lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars, under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter, per 120	5	0
Ditto, $2\frac{1}{2}$ inches in diameter, and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe Staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st, Rates of Craneage.

All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6

2d, Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2

3d, Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of $1\frac{1}{2}$*d.* per ton for each day during which such goods shall remain after first 48 hours.

For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day, or part of a day, per package	0	2

IV.—Rates for supplying Water on Pier.

	s.	d.
Water, per 1,000 gallons - - - - - -	10	0

V.—Rates on Passengers and Promenaders using the Pier.

For every passenger or other person who shall land on the pier from, or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding - -	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	4
For every bath or sedan chair taken on the pier, for each and every time, any sum not exceeding - - - - -	0	6
For every perambulator - - - - - -	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Northam, and using the said pier for the purpose of going to or returing from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	20	0

VI.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package, within the description of luggage, not exceeding 28lbs. - -	0	2
Over 28lbs. and not exceeding 84lbs. - - - -	0	4
Over 84lbs. and not exceeding 112lbs. - - - -	0	5
Over 112lbs. and not exceeding 140lbs. - - - -	0	6
Over 140lbs. and not exceeding 196lbs. - - - -	0	7
Over 196lbs. and not exceeding 2cwt. - - - -	0	8
And for every cwt. beyond - - - - -	0	4
And for every 20lbs. weight in addition - - - -	0	1

SHANKLIN.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Shanklin in the Isle of Wight in the County of Southampton.

Whereas under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Shanklin Bay Pier Company (Limited) made application by a memorial to the Lords of the Committee of Her Majesty's most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, hereafter in this Order called the Board of Trade, praying their Lordships to grant a Provisional Order containing powers for the construction of a Pier and approaches at Shanklin in the County of Southampton, for the complete execution of the works, and for the levying of rates and tolls: Preamble.

AND WHEREAS the estimated expenditure on the proposed works is 24,000*l.*, and no more:

AND WHEREAS the promoters published the advertisements and deposited the documents which, by the last-mentioned Act, they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do, by this our Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

The Undertakers.

1. The Shanklin Bay Pier Company (Limited), hereafter in this Order called the Company, shall be the Undertakers of the Works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the Works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

5. The works authorized by this Order comprise the following:—

(1.) The construction of a promenade pier (with a landing place, and all necessary works and conveniences, for the embarking and landing of passengers, goods, and merchandise, and other purposes), commencing at a point near the present Coastguard House in the Parish of Shanklin, and extending seawards, east by south, 1,200 feet or thereabouts:

(2.) The improvement and formation of approaches to the pier by means of the following works:—

(*a.*) The widening of the road on the south-east side of the Chine Inn in Shanklin:

(*b.*) The making of a road or viaduct commencing at or near the north-east side of the road forming the north-east boundary of the grounds of Everton House, and terminating on the Cliff at or near its northern edge, south-west of the Chine, at a point about 30 yards westward of the south-eastern or seawards edge of the Cliff, in Shanklin.

6. The

Power to take rates according to Schedule to this Order.

6. The Company may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

7. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with Persons for the use of the Pier.

8. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms and for such a period, not exceeding one year, as may be agreed on, but so that no preference be given to any person. Such a pass ticket shall not be transferable and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847 (for all the purposes of which Act this Order shall be deemed the Special Act).

Custom House Officers exempt from rates.

9. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land, and with their vessels and otherwise, without payment.

Lands for extraordinary Purposes.

10. The Company shall not purchase, for extraordinary purposes, land exceeding in extent in the whole three acres.

Meters and weighers.

11. The Company shall have the appointment of meters and weighers on or in connection with the pier.

Parts of Harbours, &c. Act, 1847, excepted.

12. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely sections sixteen to nineteen and twenty-one to twenty-three, all inclusive.

Steam Engines, diving bells, lighters, &c.

13. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

14. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Works authorized by this Order.

Restriction on use of Pier.

15. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier or jetty authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Short title.

16. This Order may be cited as The Shanklin Pier Order, 1865.

Board of Trade, Whitehall.
Dated this 6th day of April 1865.

T. H. Farrer,
Secretary.

SCHEDULE.

I.—Rates on Vessels Using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	2
All boats, entirely open, landing or taking on board goods, each	0	6

II.—Rates of Goods Shipped or Unshipped at the Pier.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:—		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages:—		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0

		s.	*d.*
	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
	Corpses, each	20	0
5	Crystal, per box or package	0	6
	Dogs, each	0	6
	Drugs (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in crates), per foot	0	1
10	Eggs, per box	0	3
	Fish (dried and salted), per cwt.	0	3
	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
	Flour and meal, per sack	0	4
15	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
	Ditto, per small ditto or case	1	0
20	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
	Gunpowder, per barrel or keg	0	6
25	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
	Ditto, per truss	0	2
30	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
	Ditto (cured), per barrel	0	3
	Hides:		
	Ox, cow, or horse (wet or dry), each	0	2
35	Iron:		
	Bar, bolt, rod, and shots, per ton	1	6
	Pig and old, per ton	1	0
	Manufactured, per ton	2	6
	Pots, each	0	1
40	Kelp, per ton	2	0
	Lead, per ton	2	6
	Leather (tanned and dressed), per cwt.	0	3
	Lime, per 28 bushels	1	4
	Limestone, per ton	1	0
45	Machinery, per ton	2	6
	Manure (not enumerated), per ton	1	0
	Masts and spars, 10 inches in diameter and upwards, each	4	6
	Ditto, under 10 inches	3	0
	Meat (fresh), per cwt.	0	6
50	Milk, per gallon	0	$0\frac{1}{2}$
	Musical instruments, per cube foot	0	1
	Nets, per 5 cube feet	0	4
	Oakum, per cwt.	0	2
	Oils, per tun	2	0
55	Oilcake, per ton	2	0
	Oranges and lemons, per box	0	6
	Ores, per ton	1	0
	Oysters, per bushel	0	3
	Paint, per cwt.	0	4
60	Pitch and tar, per barrel	0	6

	s.	*d.*
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto bottled, per dozen bottles	0	2
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto, 2½ inches in diameter and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1*st. Rates of Craneage.*

		s.	d.
All goods or packages not exceeding 1 ton		0	4
Exceeding 1 ton and not exceeding 2 tons		0	6
„ 2 tons „ 3 tons		0	8
„ 3 tons „ 4 tons		0	10
„ 4 tons „ 5 tons		1	0
„ 5 tons „ 6 tons		1	2
„ 6 tons „ 7 tons		1	4
„ 7 tons „ 8 tons		1	6
„ 8 tons „ 9 tons		1	10
„ 9 tons „ 10 tons		2	4
„ 10 tons		3	6

2*nd. Weighing Machines.*

For goods weighed, for each ton or part of a ton		0	2

3*rd. Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.			
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package		0	2

IV.—Rates for Supplying Water on Pier.

Water, per 1,000 gallons		10	0

V.—Rates on Passengers and Promenaders Using the Pier.

For every passenger or other person who shall land on the pier from or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding		0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding		0	4
For every bath or sedan chair, taken on the pier, for each and every time, any sum not exceeding		0	6
For every perambulator		0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Shanklin, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding		20	0

VI.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28lbs.		0	2
Over 28lbs. and not exceeding 84lbs.		0	4
„ 84lbs. „ 112lbs.		0	5
„ 112lbs. „ 140lbs.		0	6
„ 140lbs. „ 196lbs.		0	7
„ 196lbs. „ 2 cwt.		0	8
And for every cwt. beyond		0	4
And for every 20lbs. weight in addition		0	1

Pier and Harbour Orders Confirmation.

A

BILL

[[AS AMENDED BY THE SELECT COMMITTEE]

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Carrickfergus, Hastings, Maldon, Northam, and Shanklin.

(*Prepared and brought in by Mr. Dodson, Mr. Milner Gibson, and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 29 *May* 1865.

[Bill 177.]

Under 5 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Carrickfergus, Hastings, Maldon, Northam, and Shanklin.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: Preamble. 24 & 25 Vict. c. 45.

And whereas the Board of Trade have made certain Provisional Orders: And whereas those Orders have been amended by Parliament, and are as so amended set out in the Schedule: And whereas it is expedient that the Orders so set out in the Schedule hereto be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and Confirmation of Orders in Schedule.

and Form as they are set out in the said Schedule shall, from and after the passing of this Act, have full Validity and Force.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865.

The SCHEDULE of Orders.

1. Carrickfergus.
2. Hastings.
3. Maldon.
4. Northam.
5. Shanklin.

SCHE-

SCHEDULE to which the foregoing Act refers.

CARRICKFERGUS.

Order for the Amendment of The Carrickfergus Harbour Order, 1862.

1. Sections 4 to 16 (both inclusive) of the Carrickfergus Harbour Order, 1862, hereafter in this Order called the Order of 1862, with the Schedule therein referred to, are hereby repealed; but nothing herein contained shall invalidate any act done under the authority of those sections before this repeal takes effect, or affect any right, title, obligation, or liability then acquired or accrued thereunder. Repeal of Sections and Schedule in former Order.

Money.

2. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order not exceeding in the whole the sum of 8,000*l.* Borrowing.

3. In order to create a sinking fund for the discharge of the principal money so borrowed the Commissioners shall yearly set apart the surplus annual revenue of the harbour (hereafter in this Order defined), and shall deposit the same in some Joint Stock Bank of Issue in Ireland, to be increased by accumulation, in the way of compound interest or otherwise, until the accumulated fund is sufficient to pay off the principal money borrowed, or any such part thereof as the Commissioners think ought to be then paid off, and the Commissioners shall then apply such accumulated fund in such payment accordingly, but so that the Commissioners shall not allow any sum exceeding 500*l.* to remain so deposited for a longer time than six calendar months without applying the same in such payment. Sinking Fund.

4. Any money borrowed under this Order, and discharged by means of the sinking fund, shall not be re-borrowed, but any money borrowed and discharged otherwise than by means of the sinking fund may be re-borrowed if required for the purposes of this Order, and so toties quoties. Re-borrowing.

5. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a Receiver. The amount to authorize a requisition for a Receiver is 1000*l.* Receiver.

6. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order. Money to be applied to purposes of Order.

Lands.

7. For the purposes of this Order the Commissioners may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works, and also all or any part of the lands described in Schedule A. to the Order of 1862 annexed. Power to take specified lands by agreement.

8. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are incorporated with this Order. Lands Clauses Acts incorporated.

Works.

Power to make works.

9. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of pier and breakwater.

10. The works authorized by this Order are the following:—

(1.) A pier, with all proper approaches, works, and conveniences connected therewith, on the eastern side of the harbour of Carrickfergus, commencing near the seaward end of the existing pier or quay, and running in a southerly direction for a distance of 600 feet or thereabouts, then with a cant in a westwardly direction for a distance of 100 feet or thereabouts, such pier to be partly stone and partly open pile work,—and the excavation of soil on the western side of the said intended pier:

(2.) A stone breakwater to protect the same intended pier, 400 feet or thereabouts in length, lying about 350 feet to the westward of and parallel to the pier, with an easterly cant at the south end.

Rates.

Power to take rates according to Schedule.

11. The Commissioners may demand and receive in respect of the vessels, persons, goods, and things described in the Schedule hereto any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom House Officers exempt.

13. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, from, and out of the pier and harbour by land, with their vessels and otherwise, without payment.

Application of rates and moneys received by the Commissioners.

14. The Commissioners shall apply all rates received under this Order, and all other moneys coming to their hands from the existing harbour or new works, or the lands or property connected therewith, for the purposes, and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying from year to year the expenses of the maintenance, management, and regulation of the existing harbour and new works, and the lands and property connected therewith:

(3.) In paying the interest accrued due on any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) In paying the rent accrued due in respect of the property described in Schedule A. to the Order of 1862 annexed, and in fining down such rent in pursuance of any agreement in that behalf made or to be made:

(5.) As to the surplus annual revenue of the harbour,—that is to say, so much of the rates and other moneys aforesaid as remains from year to

to year after making the several payments before in the present section directed,—in creating a sinking fund in manner and for the purposes before in this Order specified.

15. This Order shall be construed with the Order of 1862 as one Order, and may be cited as The Carrickfergus Harbour Amendment Order, 1865; and the Order of 1862 and this Order may be cited together as The Carrickfergus Harbour Orders, 1862 and 1865. Construction, and Short Titles.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels entering or using the existing Harbour or New Works.

	s.	*d.*
For every vessel under the burden of 15 tons, per register ton -	0	4
For every vessel of the burden of 15 tons and under 50 - -	0	6
For „ „ 50 „ 100 - -	0	8
For „ „ 100 „ 150 - -	0	10
For „ „ 150 and upwards - - -	1	0
For every vessel which remains in the harbour more than three weeks continuously, there shall be paid for every week or part of a week during which the same remains in the harbour after the first three weeks the further sum, per register ton, of -	0	3
All lighters from any vessel in the roads shall be exempted from rates, but if the vessel do not enter the harbour every lighter shall pay for each trip, per ton - - - - -	0	2
All boats entirely open landing or taking on board goods, each -	0	6
All other boats entirely open, pleasure yachts, and boats employed in fishing, exempt.		

II.—Rates on Passengers landing on or embarking from the existing Harbour or New Works.

	s.	*d.*
For every person landing from or embarking in any steamboat or other passenger vessel any sum not exceeding - - -	0	2

III.—Rates on Goods Shipped or Unshipped at the existing Harbour or New Works.

	s.	*d.*
Alabaster, rough, per ton - - - - - -	0	3
„ worked, per cwt. - - - - -	0	3
Ale, beer, or porter, per butt or pipe - - - -	1	0
„ „ per hogshead - - - -	0	6
„ „ per barrel - - - - -	0	3
„ „ in bottles, per dozen - - -	0	1
Ale, bottled, per barrel bulk - - - - - -	0	3
Animals, wild, each - - - - - -	0	9
„ or birds, stuffed, per package - - - -	0	6
Anchors, per cwt. - - - - - -	0	2
Apples, in bulk, per ton - - - - - -	0	6
Artificial manures, per ton - - - - -	0	8
Ashes, barilla, per cwt. - - - - - -	0	1
„ pearl and pot, per cwt. - - - - -	0	2
„ black, per cwt. - - - - - -	0	1
„ bleaching, per cwt. - - - - -	0	2
„ common Irish, per cwt. - - - - -	0	1
„ soda, per cwt. - - - - - -	0	1
Asphaltum, per cwt. - - - - - - -	0	1
Bags or sacks (not returned), per bundle - - - -	0	1

	s.	d.
Bacon or pork, per cwt.	0	2
Ballast, per ton, registered measurement of vessel	0	3
Bark, tanners' chopped, per ton	1	0
Barley, per ton	0	3
Baskets, per dozen	0	1
Beans, per ton	0	3
Beef or pork, per tierce	0	4
„ „ per barrel	0	2
„ „ per half-barrel, and smaller package	0	1
„ „ per ton	1	0
Biscuit or bread, per cwt.	0	2
Bleaching-powder, per hhd.	0	6
„ per barrel	0	3
Blocks, ship, per dozen	1	0
Bogwood, per ton	0	3
Boilers, steam, large	2	6
„ small, under one ton each	0	9
Bone dust, per ton	0	8
Bottles, loose, empty, per gross	0	2
„ in baskets or carboys, full	0	6
Bran, per ton	0	3
Brandy, per hogshead	1	0
Bricks, common, per 1,000	0	8
„ fire, per 1,000	1	0
„ Bath, per 1,000	1	0
Butter, per cask	0	3
„ per firkin	0	1½
„ per barrel	0	4
Cables, per cwt.	0	2
Candles, tallow, chest of 14 dozen	0	6
„ „ half-chest	0	3
„ wax, per 12 lbs.	0	1
Canes, per bundle	0	6
Carriages or coaches, each	1	0
Carts, each	0	6
Casks, empty (not returned), each	0	2
Cattle, asses, and mules, each	0	3
„ bulls, each	0	3
„ cows and oxen, each	0	2
„ calves and lambs, each	0	0½
„ horses, each	0	2
„ pigs or sheep, each	0	0½
„ sucking pigs, each	0	0½
Cement, per cwt.	0	1
Chains, per cwt.	0	2
Chalk, per ton	0	8
Cheese, per cwt.	0	6
Chimney-pots, earthenware, each	0	1
China, per hogshead	1	6
„ per tierce	1	0
Cigars, per cwt.	0	6
Clay, pipe and potters', per ton	0	6
„ fire, per ton	0	3
Cloth, packs not exceeding 1 cwt.	0	4
Cloths, linen, woollen, bale, pack, or truss, per cwt.	0	4
„ in boxes, per foot	0	1
Cloverseed, per sack	0	3
Coals, per ton	0	3

		s.	*d.*
	Coke, per ton	0	4
	Copper, per ton	1	6
	Cordage, per cwt.	0	2
5	Cordials, per case of 1 dozen	0	1
	„ per hogshead	1	0
	Corn, viz.:—		
	Wheat, per ton	0	3
	Barley, per ton	0	3
10	Oats, per ton	0	3
	Barleymeal, per ton	0	4
	Indian corn, per ton	0	3
	„ meal, per ton	0	4
	Oatmeal, per bag	0	2
15	Beans and peas, per bag	0	2
	Rye, per bag	0	2
	Corkwood, per cwt.	0	3
	Corks, per ten gross	0	2
	Culm, per ton	0	3
20	Currants, per butt	1	0
	Dates, per cwt.	0	3
	Dissolved bones and other artificial manures, per ton	0	8
	Dogs, and other animals not enumerated, each	0	2
	Drugs in casks, hampers, or boxes, at per foot	0	1
25	Dyers' stuff, per cwt.	0	4
	Dyes, per cwt.	0	3
	Earthenware, coarse, in bulk, per potters' dozen	0	3
	„ in crates, at per crate	0	8
	Eggs, per gross of 12 dozen	0	1
30	Empty bags or sacks (not returned), per bundle	0	1
	Farming implements, per ton	1	4
	„ „ per barrel bulk	0	2
	Feathers, per bale	0	4½
	„ per bag	0	3
35	Felt, per cwt.	0	1
	Fish: herrings, cured, per barrel	0	3
	„ other fish cured (not before specified), per cwt.	0	1
	Flagstones, rough, per 100 feet	1	0
	„ worked, per 100 feet	2	0
40	Flaxseed, per hogshead	0	6
	„ per bag	0	3
	„ per barrel	0	2
	Flax, rough, per ton	1	0
	„ dressed, per stone	0	1
45	„ per dozen hanks	0	1
	Flour, per sack	0	2
	„ per barrel	0	1½
	Flower roots, plants, or trees, in packages, at per foot	0	1
	Freestones, per ton	1	0
50	Fruit, green, per cwt.	0	1
	„ dry, per cwt.	0	2
	Fuel, patent, per ton	0	4
	Furnaces, metal, per cwt.	0	3
	Furniture, household, new, at per barrel bulk	0	1
55	Gas metres, per crate or box	0	6
	„ each	0	1
	Gates, iron or wood, each	0	2
	Geese, per 100	1	0
	Glass, per crib, slide, or case	0	6

	s.	d.
Grains, per ton	0	4
Grain, not enumerated, per ton	0	3
Granite, per ton	0	3
Grasseed, per sack	0	3
Grates or stoves, per foot	0	2
Gravel or sand, per ton	0	3
Groats, per cwt.	0	2
Groceries, per box, package, or hamper	0	4
Guano, per ton	0	8
Gunpowder, per barrel	0	3
„ per half-barrel	0	1½
Haberdashery and hosiery, in bales, per cwt.	0	4
„ „ in boxes, per foot	0	1
Hams, per cwt.	0	2
Hardware, per cwt.	0	2
Hats, per box, per foot	0	1
Hay, per ton	1	6
„ per truss	0	2
Hemp, per ton	1	6
Herrings, cured, per barrel	0	3
Hides, wet or dry, for every 100 in number	1	4
„ fleshings, per cwt.	0	2
Household furniture, new, per barrel bulk	0	1
„ belonging to parties changing their residence only, per 10 barrels bulk	0	6
Husbandry utensils, per ton	1	4
„ per barrel bulk	0	2
Ice, per ton	0	6
Iron, pig, per ton	0	8
„ bar, bolt, and wrought, per ton	1	4
„ plate and sheet, per ton	0	4
„ hoops, per cwt.	0	1
„ cask, hollow ware, per cwt.	0	3
„ cast solid, per cwt.	0	2
„ ore, per ton	0	4
„ scrap, per ton	0	6
„ wire and nailrods, per cwt.	0	1
Junk, or old ropes, per cwt.	0	1
Jute, per ton	0	6
Kelp, per ton	0	3
Kerb stones, per ton	0	3
Lead, pigs of, per ton	1	4
„ pipes, per ton	0	6
„ sheet, per cwt.	0	1
Lamps, each	0	1
Leather, tanned, per cwt.	0	2
„ wrought, per cwt.	0	3
Lemons, per chest	0	4
„ per box	0	2
Lime, burnt, per ton	0	6
Limestone, per ton	0	3
Linen or woollen rags, per cwt.	0	1
„ „ cloth, per cwt.	0	4
Linseed meal, per ton	1	0
„ cake, per ton	1	0
Liquor, in bottles, per case or box	0	6
Liquors (not enumerated), per hogshead	1	0
„ „ per barrel	0	6

		s.	*d.*
	Loam, or moulding sand, per ton	0	3
	Machinery :—		
	Steam and other engines, and part of the same, per cwt.	0	2
5	Wood and iron mixed, per foot	0	1
	Malt, per quarter	0	2
	Manure (not enumerated), per ton	0	3
	Marble, rough, per ton	1	0
	„ worked, per cwt.	1	0
10	Masts or spars, each	0	6
	Mats and matting, per parcel	0	2
	Matches, per hogshead	0	3
	„ per case or barrel	0	2
	Maunds or hampers, empty, imported, per dozen	0	1
15	Meal, per bag (all kinds, not enumerated)	0	2
	„ per ton	0	4
	Meat, per cwt.	0	2
	Metal castings (not enumerated), per cwt.	0	3
	Millinery, per foot	0	1
20	Mineral and aërated waters, in bottles, per dozen	0	1
	Muslin, per bale	0	6
	„ per parcel	0	3
	Nails, per cwt.	0	1
	Naphtha, per puncheon	0	2
25	„ per carboy	0	1
	Nuts, per bag or barrel	0	2
	Oakum, per cwt.	0	1
	Oars, per dozen	0	3
	Oats, per ton	0	3
30	Oil, castor, per cwt.	0	4
	„ sperm, per hogshead	1	0
	„ sweet and lamp, and all oils not enumerated, per hogshead	0	10
	„ in flasks, per chest	0	4
	„ „ per half-chest	0	2
35	Oilcake, per ton	1	0
	Onions, per cwt.	0	1
	Oranges, per box	0	2
	„ per chest	0	4
	Oysters, per ton	1	8
40	Paintings, pictures, and pier glasses, per foot	0	3
	Paints and painters' colours, per cwt.	0	2
	Pans, brass or metal, per cwt.	0	6
	Paper, per cwt., common	0	$1\frac{1}{2}$
	„ stationery, per cwt.	0	4
45	Peas, per bag	0	2
	Petroleum, per ton	5	0
	Perfumery, per package	0	3
	Periodicals and newspapers, per parcel	0	1
	Pipes for smoking, per hogshead	1	0
50	„ per barrel	0	6
	Pipes, metal, per ton	0	8
	„ earthenware, for draining, per ton	1	0
	Ploughs, each	0	6
	Potash, per cwt.	0	1
55	Potatoes, per ton	0	6
	Poultry and game, per dozen	0	4
	Puncheons, empty, and not returned, each	0	2
	Putty, glaziers', per cask	0	3
	Rags, per ton	1	0

	s.	d.
Raisins and figs, per cwt.	0	2
Rice, per tierce	0	8
„ per barrel	0	4
Rope-coil, per cwt.	0	2
Rope-coil yarn, per cwt.	0	1
Rosin, per barrel	0	1
Sacking, per bale	0	2
Sago, per cwt.	0	2
Sails, per cwt.	0	4
Salt, per ton	0	10
„ fine, per cwt.	0	4
„ coarse, for manure, or curing fish, per ton	0	3
„ rock, per ton	0	3
Sand or gravel, per ton	0	3
Scuttles, coal, per dozen	0	3
Scythe stones, per cwt.	0	3
Scythes, per dozen	0	2
Seeds, garden, or agricultural grass seeds, per cwt.	0	3
„ not enumerated, per cwt.	0	3
Shot, bird, per cwt.	0	3
Shovel handles, per dozen	0	1
Silk, per cwt.	0	8
Skins, per score	0	6
Slabs, marble, per ton	1	0
„ slate, per ton	0	3
Slates, scantle, per 1,000	0	3
„ common helling, per 1,000	0	2
Slate, earth or tombstone, per foot	0	0¼
Soap, per cwt.	0	2
Soda, per barrel	0	1
Soda-water, per dozen	0	1
Spades and shovels, per dozen	0	4
Spirits, foreign and British, per hogshead of 56 gallons	0	8
Starch, per cwt.	0	2
Steel, per cwt.	0	6
Sticks, walking, per bundle	0	2
Stones, per ton	0	3
„ grinding, per cwt.	0	1
„ Caen, for millstones, per 100	3	0
Straw, per ton	1	6
Sulphur, per cwt.	0	3
Sugar, soft, per cwt.	0	4
„ refined, in barrels	0	2
„ „ in hogsheads	1	4
Tar, pitch, or rosin, per barrel	0	2
Tea, per chest	1	6
Tiles, paving, per score	0	1
„ roofing, per 1,000	0	9
Timber, not enumerated, per load of 55 feet	0	6
„ mast pieces, under 12 inches, each	0	6
„ wainscot boards, per 100	1	0
Tinplate, per box	0	2
Tobacco, per cwt.	0	3
Tow, per ton	1	8
Toys, per case	0	3
Trawlbeams, each	0	4
Treacle or molasses, per puncheon	0	10
„ per half-puncheon	0	5
„ per cask	0	3

	s.	d.
Treenails, under 2 feet in length, per 1,000	0	6
„ exceeding 2 feet in length, per 1,000	1	0
Turf, per ton	0	6
Turnips or mangold, per ton	0	6
Turpentine, per cwt.	0	6
Twine or netting, per cwt.	0	3
Varnish, per barrel	0	6
Vegetables, shipped, per cwt.	0	1
Vetches, per ton	0	3
Vinegar, per pipe	1	0
„ per hogshead	0	6
„ per firkin	0	3
Vitriol, per carboy	0	6
Wheat, per ton	0	3
Whiskey, per puncheon	2	0
Whiting, per cwt.	0	1
Wine, foreign, per pipe, all sorts	2	6
„ British, per pipe, all sorts	1	6
„ per hogshead, all sorts	1	0
„ per barrel, all sorts	0	6
„ in bottles, all sorts, per dozen	0	2
Wood, deals, per 120	1	0
„ battens, Petersburg, per hundred	0	6
„ fir, pine, and other descriptions not enumerated, per load of 50 feet	0	10
„ oak or wainscot, per load of 50 feet	1	0
„ firewood, per fathom	0	6
„ laths and lathwood, per fathom of 216 cubic feet	2	6
„ spars, under 22 feet in length, above $2\frac{1}{4}$ and under 4 inches in diameter, per 120	2	6
„ spars, $2\frac{1}{2}$ inches in diameter and under, per 120	1	4
„ spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	6	6
„ spars, of all lengths, above 4 and under 6 inches in diameter, per 120	12	0
„ lignumvitæ, logwood, mahogany, rosewood, &c., per ton	1	4
Woollen manufactures, at per cwt.	0	8
Wool, per pack	0	4
Yarn, per cwt.	0	2
Zinc, per ton	1	4

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods, per barrel bulk	0	2
Heavy goods, per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk, but when the weight of five cubic feet is greater than two and a half cwt. then two and a half cwt. to be rated as a barrel bulk.

IV.—Rates for the Use of the Cranes, Weighing Machines, and Sheds of the Commissioners.

1st. Rates of Craneage.

	s.	d.
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
„ 2 tons „ 3 tons	0	6
„ 3 tons „ 4 tons	0	8
„ 4 tons „ 5 tons	0	10
„ 5 tons „ 6 tons	1	0
„ 6 tons	1	3

2d. Weighing Machines.

For goods weighed, 1*d.* for each ton or part of a ton.

3d. Shed Dues.

For each ton of goods of eight barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

HASTINGS.

Order for the Amendment of The Hastings Pier and Harbour Order, 1862.

Repeal of part of Schedule to former Order.

1. The Schedule to The Hastings Pier and Harbour Order, 1862, hereafter in this Order called the Order of 1862, as far as it relates to the goods and things described in the Schedule hereto, is hereby repealed, but not so as to affect any right, title, obligation, or liability acquired or accrued thereunder.

Power to take rates according to Schedule to this Order.

2. The Company may demand and receive, in respect of the goods and things described in the Schedule to this Order, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

3. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier, and not breaking bulk while making use thereof, be exempt from rates leviable under the Order of 1862 or this Order.

Power for Company to contract with persons for use of pier.

4. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier on such terms and for such a period, not exceeding one year, as may be agreed on; but so that no preference be given to any person. Such a pass ticket shall not be transferable, and shall not be used by any person, except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings,

shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, and this Order shall for all purposes be deemed "the special Act," within the meaning of that Act.

Construction and short titles.

5. This Order shall be construed with the Order of 1862 as one Order, and may be cited as The Hastings Harbour Amendment Order, 1865; and the Order of 1862 and this Order may be cited together as The Hastings Harbour Orders, 1862 and 1865.

SCHEDULE to which the foregoing Order refers.

	s.	d.
Cattle, viz.:		
Bulls, cows, and oxen, each	2	0
Calves, each	1	0
Horses, each	3	0
Pigs or sheep, each	0	6
Coals, Scotch, English, and culm, per ton	1	0
Fish:		
Dried and salted, per cwt.	0	3
Fresh, per cwt.	0	2
Wood:		
Fir, pine, and other descriptions not enumerated, per load of fifty feet	1	0
Oak, teak, and other hard wood, per load of forty feet	1	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per load of forty feet	1	6
All other goods not particularly enumerated:		
Light goods, per barrel, bulk	0	4
Heavy goods, per ton	1	8

MALDON.

Order for the Improvement, Maintenance, and Regulation of the Harbour at Maldon in the County of Essex.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding in number 14, which Commissioners and their successors are hereby, for the purposes of this Order, incorporated by the name of The Maldon Harbour Improvement Commissioners, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions of this Order.

Meaning of "the Commissioners."

2. The term "the Commissioners," where hereafter used in this Order, means The Maldon Harbour Improvement Commissioners.

3. The appointment of the Commissioners shall be regulated as follows:—

Appointment of the several Commissioners.

(1.) The following ten persons are hereby appointed Commissioners, namely, Henry Ward, The Honourable William Swabey, William Michael

Michael Tuffnell, Henry Thomas Eve, Thomas Isaac, Adolphus Piggot, John Granger Sadd, Robert Smith, William Humpherys, and Marven Porter Hicks:

(2.) The Commissioners, when incorporated, shall have power to appoint from time to time (but it shall not be obligatory on them to appoint) to be Commissioners other persons, not exceeding two in number, in addition to the ten persons herein-before named:

(3.) Whenever a vacancy is caused by death, resignation, or otherwise in the office of any person appointed a Commissioner by this Order or by the Commissioners, the Commissioners shall by a special order appoint another person to fill the vacancy, and so toties quoties:

(4.) The Board of Trade may, if they think fit, at any time after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation or otherwise, in the office of any one of those two Commissioners, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

Incorporation of parts of 10 & 11 Vict. c. 16.

4. The Commissioners Clauses Act, 1847 (except sections 17, 19 to 35, both inclusive, and 95), shall be incorporated with this Order, and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) No person shall be capable of acting as a Commissioner (other than a person appointed to be a Commissioner by the Board of Trade) unless he is seized or possessed of property to the value of one thousand pounds:

(2.) With reference to section 39 of the last-mentioned Act, the prescribed number (constituting a quorum) of the Commissioners shall be five:

(3.) The Board of Trade shall appoint a permanent auditor of the accounts of the Commissioners.

Undertakers.

5. The Commissioners shall be the undertakers of the works authorized by this Order.

Commencement of Commissioners' powers.

6. The Commissioners shall be deemed fully constituted and incorporated and shall commence to act under this Order immediately on the Commencement of this Order.

Limits of Harbour.

7. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall extend in and over the whole of the river Blackwater, from that part which is intercepted by the cross section No. 8. shown on the plan deposited with the Clerk of the Peace for the county of Essex of the proposed works (herein-after referred to as the deposited plan) to the bridge called Fullbridge at Maldon, and in and over the whole of Heybridge Creek up to the Stonebridge at Heybridge, and in and over all creeks, bays, inlets, and outlets running in, to, or out of the said river and creek within the aforesaid limits.

Power to take Lands by agreement.

8. For the purposes of the works authorized by this Order the Commissioners may from time to time, by agreement, enter on, take and use such lands near the entrance to, within, or around Heybridge Creek as may be required for the proposed works, not exceeding in the whole two acres.

9. The

Incorporation of Lands Clauses Acts.

9. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Order.

Power to execute works.

10. Subject to the provisions of this Order, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, execute and maintain the works shown on the deposited plans and sections.

Description of works.

11. The works authorized by this Order comprise the following:—

The cutting, deepening, widening, straightening, dredging, scouring, altering, and improving the course of the channel of the River Blackwater, commencing fifty yards or thereabouts above or to the south of the entrance to Heybridge Basin, and terminating five yards or thereabouts, below or east of Fullbridge:

The cutting, deepening, widening, straightening, dredging, scouring, altering, and improving the course of that part of the River Blackwater, known as Heybridge Creek, commencing at the junction of the said creek with the said river, and terminating one hundred and thirty yards or thereabouts, north of a piece of ground the property of the Great Eastern Railway Company:

The construction and maintenance of wharves or landing-places, for enabling ships and other vessels to load and unload, and discharge coals and other goods and commodities on the north side of the River Blackwater, at or near the entrance to and on the west side of Heybridge Creek.

Defining limits of deviation.

12. The limits of deviation for the works authorized by the said Order shall extend to high-water mark on each side of the channel of the River Blackwater, as shown on the deposited plan.

Entrance to creek to be kept open.

13. If the entrance from the River Blackwater into the creek or channel in which the lock standing at the mouth of the canal of the said Company of Proprietors is built, or the said creek or channel, or any part thereof respectively, shall, by reason of the execution of any of the works authorized by this Order, be silted up or rendered less deep or narrower or less commodious than the same now is, the Commissioners shall (after reasonable notice so to do), at their own expense, dredge and cleanse the said entrance and the said creek or channel in such manner that the obstruction shall be wholly removed, and the said entrance and the said creek or channel shall be rendered as deep and wide and as commodious as the same now is; and if in the case aforesaid the Commissioners shall neglect so to dredge and cleanse the said entrance or the said creek or channel, or to remove the obstruction therefrom, the said Company of Proprietors may dredge and cleanse the same respectively, and may remove the obstruction therefrom, and shall recover the expenses thereby incurred from the Commissioners as liquidated damages.

Compensation to be made to Company if works affected.

14. If any of the works of the said Company of Proprietors shall be injuriously affected by the works authorized by this Order, or by any insufficiency or deficiency in the execution of the works authorized by this Order, the Commissioners shall make compensation to the said Company of Proprietors for any loss that may be sustained by them thereby; the amount

of such compensation shall be settled by arbitration, or by a jury, in the manner provided by The Lands Clauses Consolidation Act, 1845, Section 68, which section (for the purpose of this present clause only) shall be incorporated with this Order.

Rates in Schedule.

15. Subject and according to the provisions of this Order, the Commissioners may (from and after the expiration of six months from the commencement of this Order) demand and receive in respect of vessels described in the Schedule hereto any sums not exceeding the sums specified in that Schedule.

Exemption from rates.

16. Vessels coming up the River Blackwater for the purpose of discharging and which shall discharge their cargoes below the limits of jurisdiction defined by this Order into lighters, barges, or boats for the purpose of being carried and which shall be carried into Heybridge Basin, thence to be carried by the canal of the Company of Proprietors of the Chelmer and Blackwater Navigation, or by land, shall not be liable to the rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

17. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom house Officers exempt from rates.

18. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and from the harbour by land, and with their vessels, and otherwise, without payment.

Borrowing powers.

19. The Commissioners may from time to time borrow and reborrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of Twelve thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates, tolls, and dues authorized by this Order, or of any of those particulars, or of any other property of the Commissioners.

Repayment of money borrowed by instalments, or sinking fund.

20. The Commissioners shall, out of the tolls, rates, and duties aforesaid, either pay off the money borrowed under this Order, by annual or other instalments within thirty years, reckoned from the expiration of two years after the commencement of this Order; or else appropriate as a sinking fund every year, beginning with the expiration of the same term of two years, and until the money so borrowed is fully paid off, a sum equal to one thirtieth part of the money borrowed, and such sinking fund shall be invested, accumulated, and applied according to the provisions of section 84 of The Commissioners Clauses Act, 1847.

Receiver.

21. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a receiver; and the amount to authorize a requisition for a receiver is One hundred pounds.

Money how to be applied.

22. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and moneys received by the Commissioners.

23. The Commissioners shall apply all rates, tolls, and dues received under this Order, after defraying the expenses of collecting the same, and all other moneys coming to their hands from the works authorized by this Order, or the

lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

1. In paying the costs of and connected with the preparation and making of this Order:

2. In paying the expenses of the construction, maintenance, management, and regulation of the works authorized by this Order:

3. In paying the interest accrued due on any money borrowed under this Order:

4. In from time to time providing the instalments, or setting apart and appropriating the sinking fund prescribed by this Order for the repayment of money borrowed, as and when any such instalment or such sinking fund is required to be provided or set apart and appropriated:

5. In and towards the purposes of the said harbour.

Commissioners may provide engines, lighters, &c.

24. The Commissioners may, for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters tools, plant, or other materials as they think fit, and may from time to time, as they think fit, sell and dispose of any such dredges, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of this Order or some of them.

Power to maintain and dredge, &c.

25. The Commissioners from time to time may maintain the works authorized by this Order, and dredge and deepen the said river and creek within the limits of this Order, and may place and maintain moorings and buoys in the said river and creek within the limits aforesaid, and do all such lawful acts as they think necessary or proper for preventing or removing obstructions or impediments thereon or therein, and generally for preserving and facilitating the navigation within the limits of this Order; and the soil, gravel, and other materials taken out of or removed from the said river and creek within the limits of this Order, shall become and be the property of the Commissioners, who may from time to time sell or otherwise dispose of the same, or remove and lay down the same within the limits of this Order, and afterwards, from time to time, again take up and remove and sell or otherwise dispose of the same; and all moneys arising therefrom, after payment of the expenses connected therewith, shall be applied for the purposes of this Order.

Pilotage, lights, buoys, and beacons.

26. The Commissioners shall be a pilotage authority and a local authority within the meaning of The Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Lands for extraordinary purposes.

27. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Parts of Harbours Clauses Act excepted.

28. Sections 16, 17, 18, 19, 25, and 26 of The Harbours Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Confirmation of byelaws and provision for management of Harbour.

29. Byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed and confirmed by the Board of Trade, which allowance and confirmation shall be sufficient for all purposes; and it shall not be lawful for the harbour master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to

give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as the byelaws expressly authorize him or them to do so.

Saving for Corporations, &c.

30. Nothing in this Order shall take away or abridge any right, privilege, power, jurisdiction, or authority given or reserved to any person or corporation by any local or special Act of Parliament without the consent in writing of such person or corporation.

Short Title.

31. This Order may be cited as The Maldon Harbour Order, 1865.

SCHEDULE to which the foregoing Order refers.

FOR EVERY VESSEL CARRYING CARGO COMING INTO, AND FOR EVERY VESSEL CARRYING CARGO GOING OUT OF, MALDON HARBOUR.

	s.	*d.*
If under 50 tons, per ton register	0	3
If of 50 tons and under 100 tons, per ton register	0	6
If of 100 tons and under 200 tons, per ton register	0	9
If of 200 tons or upwards, per ton register	1	0

Unregistered vessels to pay at the same rate per ton according to the actual measurement thereof.

Vessels carrying cargo both on coming in and on going out of the harbour, to pay full rate on inwards cargo, and half rate on outwards cargo. Barges of less than 50 tons are exempt from the half rate on such outwards cargo.

NORTHAM.

Order for the Construction, Maintenance, and Regulation of a Pier at Northam in the County of Devon.

The Undertakers.

1. The Northam Pier Company (Limited), hereafter in this Order called the Company, shall be the Undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Act Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Lands for extraordinary purposes.

4. The Company shall not purchase, for extraordinary purposes, land exceeding in extent in the whole three acres.

Power to make works.

5. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines, and according to the levels, and

and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of pier.

6. The works authorized by this Order comprise the following:—

A pier, jetty, and landing place, with all proper works, approaches, and other conveniences connected therewith, for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point on the sea shore distant in a north-westerly direction twenty-six chains five yards, or thereabouts, from the north-west corner of the Northam Burrows Hotel, in the Parish of Northam, in the County of Devon, and extending from such point into the sea in a northerly direction, a distance of 550 feet or thereabouts.

Power to take rates according to Schedule to this Order.

7. The Company may demand and receive, in respect of the vessels, goods, persons, and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

8. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Meters and weighers.

9. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Steam engines, diving bells, lighters, &c.

10. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, moorings, dredging machines, rubbish lighters, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they think reasonable.

Company may contract with persons for use of the Pier.

11. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms and for such a period, not exceeding one year, as may be agreed on, but so that no preference be given to any person. Such a pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847 (for all the purposes of which Act this Order shall be deemed the Special Act).

Restriction on the use of Pier.

12. Nothing in this Order shall entitle any persons to ship or unship from vessels or boats at the pier or jetty authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Parts of Harbours, Docks, and Piers Clauses Act, 1847, excepted.

13. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections sixteen to twenty-three, both inclusive.

Custom House Officers exempt from rates.

14. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land, and with their vessels and otherwise, without payment.

Part V. of 24 & 25 Vict. c. 47. to apply.

15. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Works authorized by this Order.

Short title.

16. This Order may be cited as The Northam Pier Order, 1865.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	2
All boats, entirely open, landing or taking on board goods, each	0	6

II.—Rates on Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:—		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0

		s.	*d.*
	Cloth, haberdashery, &c., per package, not exceeding 1 cwt.	0	6
	Carriages:—		
	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
5	Hand-carts and perambulators, each	1	0
	Coals, per ton	1	0
	Copper, per ton	3	0
	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
10	Corpses, each	20	0
	Crystal, per box or package	0	6
	Dogs, each	0	6
	Drugs (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
15	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
	Fish (dried and salted), per cwt.	0	3
	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
20	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
25	Ditto, per small ditto or case	1	0
	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
30	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
35	Ditto, per truss	0	2
	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
	Ditto (cured), per barrel	0	3
	Hides:—		
40	Ox, cow, or horses (wet or dry), each	0	2
	Iron:—		
	Bar, bolt, rod, and shots, per ton	1	6
	Pig and old per ton	1	0
	Manufactured, per ton	2	6
45	Pots, each	0	1
	Kelp, per ton	2	0
	Lead, per ton	2	6
	Leather (tanned and dressed), per cwt.	0	3
	Lime, per 28 bushels	1	4
50	Limestone, per ton	1	0
	Machinery, per ton	2	6
	Manure (not enumerated), per ton	1	0
	Masts and spars, 10 inches in diameter and upwards, each	4	6
	Ditto, under 10 inches	3	0
55	Meat (fresh), per cwt.	0	6
	Milk, per gallon	0	0½
	Musical Instruments, per cube foot	0	1
	Nets per 5 cubic feet	0	4

	s.	d.
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and Lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and Tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and Game, per dozen	0	4
Rags and Old Rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—Calf, Goat, Sheep, Lamb, or Dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, Soap, and Candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and Zinc, per ton	3	0
Tobacco, per cwt	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and Varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated) per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:—		
Fir, Pine, and other description not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and Lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto, 2½ inches in diameter, and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe Staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

	s.	*d.*
Light goods, per cube foot - - - - - -	0	1
Heavy goods, per ton - - - - - - -	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st. Rates of Craneage.

| | | |

VI.—Rates on Passengers' Luggage.

	s.	*d.*
For every trunk, portmanteau, box, parcel, or other package, within the description of luggage, not exceeding 28lbs.	0	2
Over 28lbs. and not exceeding 84lbs.	0	4
Over 84lbs. and not exceeding 112lbs.	0	5
Over 112lbs. and not exceeding 140lbs.	0	6
Over 140lbs. and not exceeding 196lbs.	0	7
Over 196lbs. and not exceeding 2cwt.	0	8
And for every cwt. beyond	0	4
And for every 20lbs. weight in addition	0	1

SHANKLIN.

Order for the Construction, Maintenance, and Regulation of a Pier at Shanklin in the Isle of Wight in the County of Southampton.

The Undertakers.

1. The Shanklin Bay Pier Company (Limited), hereafter in this Order called the Company, shall be the Undertakers of the Works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the Works authorized by this Order, the Company may from time to time, by agreeement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

5. The works authorized by this Order comprise the following:—

(1.) The construction of a promenade pier (with a landing place, and all necessary works and conveniences, for the embarking and landing of passengers, goods, and merchandise, and other purposes), commencing at a point near the present Coastguard House in the Parish of Shanklin, and extending seawards, east by south, 1,200 feet or thereabouts:

(2.) The improvement and formation of approaches to the pier by means of the following works:—

(*a.*) The widening of the road on the south-east side of the Chine Inn in Shanklin:

(*b.*) The making of a road or viaduct commencing at or near the north-east side of the road forming the north-east boundary of the grounds of Everton House, and terminating on the Cliff at or near its northern edge, south-west of the Chine, at a point about 30 yards westward of the south-eastern or seawards edge of the Cliff, in Shanklin.

6. The

Power to take rates according to Schedule to this Order.

6. The Company may demand and receive in respect of the vessels, goods, persons, and things described in the Schedule hereto any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

7. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with Persons for the use of the Pier.

8. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms and for such a period, not exceeding one year, as may be agreed on, but so that no preference be given to any person. Such a pass ticket shall not be transferable and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847 (for all the purposes of which Act this Order shall be deemed the Special Act).

Custom House Officers exempt from rates.

9. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land, and with their vessels and otherwise, without payment.

Lands for extraordinary Purposes.

10. The Company shall not purchase, for extraordinary purposes, land exceeding in extent in the whole three acres.

Meters and weighers.

11. The Company shall have the appointment of meters and weighers on or in connection with the pier.

Parts of Harbours, &c. Act, 1847, excepted.

12. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely sections sixteen to nineteen and twenty-one to twenty-three, all inclusive.

Steam Engines, diving bells, lighters, &c.

13. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

14. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Works authorized by this Order.

Restriction on use of Pier.

15. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier or jetty authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Short title.

16. This Order may be cited as The Shanklin Pier Order, 1865.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels Using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	2
All boats, entirely open, landing or taking on board goods, each	0	6

II.—Rates of Goods Shipped or Unshipped at the Pier.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:—		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages:—		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0

		s.	*d.*
	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
	Corpses, each	20	0
5	Crystal, per box or package	0	6
	Dogs, each	0	6
	Drugs (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in crates), per foot	0	1
10	Eggs, per box	0	3
	Fish (dried and salted), per cwt.	0	3
	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
	Flour and meal, per sack	0	4
15	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
	Ditto, per small ditto or case	1	0
20	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
	Gunpowder, per barrel or keg	0	6
25	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
	Ditto, per truss	0	2
30	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
	Ditto (cured), per barrel	0	3
	Hides:		
	Ox, cow, or horse (wet or dry), each	0	2
35	Iron:		
	Bar, bolt, rod, and shots, per ton	1	6
	Pig and old, per ton	1	0
	Manufactured, per ton	2	6
	Pots, each	0	1
40	Kelp, per ton	2	0
	Lead, per ton	2	6
	Leather (tanned and dressed), per cwt.	0	3
	Lime, per 28 bushels	1	4
	Limestone, per ton	1	0
45	Machinery, per ton	2	6
	Manure (not enumerated), per ton	1	0
	Masts and spars, 10 inches in diameter and upwards, each	4	6
	Ditto, under 10 inches	3	0
	Meat (fresh), per cwt.	0	6
50	Milk, per gallon	0	0½
	Musical instruments, per cube foot	0	1
	Nets, per 5 cube feet	0	4
	Oakum, per cwt.	0	2
	Oils, per tun	2	0
55	Oilcake, per ton	2	0
	Oranges and lemons, per box	0	6
	Ores, per ton	1	0
	Oysters, per bushel	0	3
	Paint, per cwt.	0	4
60	Pitch and tar, per barrel	0	6

	s.	*d.*
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto bottled, per dozen bottles	0	2
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars, under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter, per 120	5	0
Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1*st. Rates of Craneage.*

	s.	*d.*
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6

2*nd. Weighing Machines.*

For goods weighed, for each ton or part of a ton	0	2

3*rd. Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2

IV.—Rates for Supplying Water on Pier.

Water, per 1,000 gallons	10	0

V.—Rates on Passengers and Promenaders Using the Pier.

For every passenger or other person who shall land on the pier from or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	4
For every bath or sedan chair, taken on the pier, for each and every time, any sum not exceeding	0	6
For every perambulator	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Shanklin, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0

VI.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28lbs.	0	2
Over 28lbs. and not exceeding 84lbs.	0	4
„ 84lbs. „ 112lbs.	0	5
„ 112lbs. „ 140lbs.	0	6
„ 140lbs. „ 196lbs.	0	7
„ 196lbs. „ 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20lbs. weight in addition	0	1

Pier and Harbour Orders Confirmation.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Carrickfergus, Hastings, Maldon, Northam, and Shanklin.

(Prepared and brought in by Mr. Dodson, Mr. Milner Gibson, and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed*, 2 *June* 1865.

[Bill 195.]

Under 4 *oz.*

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Eastbourne, Clevedon, Herne Bay, Llandrillo, and Pensarn.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule hereto, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and Form as they are set out in the said Schedule shall, from and after the passing of this Act, have full Validity and Force. Confirmation of Orders in Schedule.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865, (No. 2.)

The SCHEDULE of Provisional Orders.

1. EASTBOURNE.—Amendment of Order.
2. CLEVEDON.—Amendment of Order.
3. HERNE BAY.—Improvement of Pier.
4. LLANDRILLO.—Construction of Pier.
5. PENSARN.—Construction of Pier.

SCHEDULE.

EASTBOURNE.

Provisional Order of the Board of Trade for the Amendment of The Eastbourne Pier Order, 1864.

Preamble, 27 & 28 Vict. c. 93.

WHEREAS by The Pier and Harbour Orders Confirmation Act, 1864, The Eastbourne Pier Order, 1864 (hereafter in this Order called the Order of 1864), set out in the Schedule to the said Act, made under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, empowering the Eastbourne Pier Company (Limited) to construct, maintain, and regulate a pier at Eastbourne in the county of Sussex, was confirmed:

AND WHEREAS the promoters made application by a memorial to the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, hereafter in this Order called the Board of Trade, praying their Lordships to grant a Provisional Order for the amendment of the Order of 1864:

AND WHEREAS the promoters published the advertisements and deposited the documents which by the last-mentioned Act they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:

Repeal of description of pier in former Order.

1. Section 5 of the Order of 1864 is hereby repealed.

2. The works authorized comprise the following:

Description of pier.

A pier on iron piles commencing at a point on the esplanade opposite Cavendish Place in the town of Eastbourne in the parish of Eastbourne in the county of Sussex, and extending seaward in a south-easterly direction one thousand feet, or thereabouts.

Construction and short titles.

3. This Order shall be construed with the Order of 1864 as one Order, and may be cited as The Eastbourne Pier Amendment Order, 1865; and the Order of 1864 and this Order may be cited together as The Eastbourne Pier Orders, 1864 and 1865.

Board of Trade, Whitehall.
Dated this 16th day of March 1865.

T. H. Farrer,
Secretary.

CLEVEDON.

Provisional Order of the Board of Trade for amending The Clevedon Pier Order, 1864.

Preamble.

Whereas by The Pier and Harbour Orders Confirmation Act, 1864, The Clevedon Pier Order, 1864, (hereafter in this Order called the Order of 1864,) was confirmed:

And whereas under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Clevedon Pier Company (hereafter in this Order called the Company) made application by a Memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called the Board of Trade), setting forth that it would be expedient that the Company should be exempted from providing and maintaining the lifeboat, mortar, rockets, tackle, or crew required by The Harbours, Docks, and Piers Clauses Act, 1847; and that it would be expedient that the Company should be exempted from providing and keeping the tide and weather gauge required by the last-mentioned Act; and that it would be expedient that the Company should be empowered to make byelaws to prohibit certain articles in the said Memorial mentioned from being landed on or embarked from the said pier; and to regulate the landing on and embarking from the said pier of certain other articles, and praying their Lordships to grant a Provisional Order for the purposes aforesaid:

And whereas the Company published the advertisements and deposited the documents which by The General Pier and Harbour Act, 1861, Amendment Act, they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers

powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That from and immediately after the passing of an Act of Parliament confirming this Provisional Order the following provisions shall have effect:—

Company need not provide lifeboat, or tide gauge, &c.

1. Sections 16 to 19 (inclusive) of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be and shall not be deemed to have been incorporated with the Order of 1864.

Commencement of rates.

2. As soon as it is certified under the hand of a person appointed by the Board of Trade for the purpose that the Company have constructed and so far completed any portion of the pier and works authorized by the Order of 1864 as to afford convenient accommodation for the landing and embarking of passengers and goods (although the whole of the pier has not then been completed), the Company may demand and receive the rates which under the Order of 1864 they are entitled to take.

Power to make byelaws as to articles in Schedules.

3. The powers given to the Company by The Harbours, Docks, and Piers Clauses Act, 1847, of making byelaws are hereby extended so as to authorize the making by the Company from time to time of byelaws for all or any of the following purposes, namely,—

1. For prohibiting the articles mentioned in the First Schedule hereto, or any of them, from being landed on, or embarked from, or deposited on the pier at any time:

2. For prohibiting the articles mentioned in the Second Schedule hereto, or any of them, from being led, carried, or drawn along or deposited on the the pier on any day between ten of the clock in the forenoon and one hour after sunset:

3. For prohibiting the articles mentioned in the Third Schedule hereto, or any of them, from being led, carried, or drawn along, or deposited on the pier, on any day from the first day of March to the thirty-first day of October, both inclusive, between ten of the clock in the forenoon and one hour after sunset.

Construction and short titles.

4. This Order shall be construed with the Order of 1864 as one Order, and may be cited as The Clevedon Pier Order, 1865; and the Order of 1864 and this Order may be cited together as The Clevedon Pier Orders, 1864 and 1865.

Board of Trade, Whitehall.
Dated this 8th day of April 1865.

T. H. Farrer,
Secretary.

THE FIRST SCHEDULE.

Articles which may be altogether prohibited.

Ashes.
Blubber.
Bulls.
Cattle.
Corpses.
Gunpowder.

Gunpowder.
Hides.
Lime.
Manure, either natural or artificial.
Minerals, or other substances containing oxide of iron.
Ores.
Oxen.
Pigs.
Pitch and tar.
Sheep.
Rags and old rope.
Vitriol; and
All other articles of an offensive or dangerous character, or which in the judgment of the Company may interfere with the comfort of passengers, or the use of the pier for recreation.

THE SECOND SCHEDULE.

Articles which may be prohibited between 10 a.m. and one hour after sunset.

Clay.
Coal of any description, including anthracite.
Coke.
Culm.
Fish (dried and salted).
Limestone.
Oilcake.
Oils.
Paint.
Spars.
Stones.
Tallow, soap and candles; and
All other articles which by their substance or smell are likely to cause annoyance to passengers or promenaders using the pier.

THE THIRD SCHEDULE.

Articles which may be prohibited between 10 a.m. and one hour after sunset, from 1st March to 31st October.

All articles, merchandize or goods whatsoever, except the following things, namely :—
Passenger's luggage, including carriages, horses and dogs.
Fresh fish.
Fruits.
Fresh butter.
Eggs.
Milk.
Poultry and game, including hares and rabbits.
Mail bags or boxes.
Soldiers' arms or accoutrements.

HERNE BAY.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Pier at Herne Bay, in the Parish of Herne, in the County of Kent.

WHEREAS by the Act of Parliament (Local and Personal) of the session of the first year of the reign of King William the Fourth (chapter twenty-five) "for making and maintaining a Pier or Jetty and other Works at Herne "Bay, in the Parish of Herne, in the County of Kent," The Herne Bay Pier Company (hereafter in this Order called the Company) were incorporated, and by that Act, and the Act (Local and Personal) of the session of the sixth and seventh years of the same reign (chapter one hundred and twelve) "for "altering, amending, and enlarging the powers and provisions of an Act for "making and maintaining a Pier or Jetty and other Works at Herne Bay, in "the Parish of Herne, in the County of Kent, and for giving additional "Powers to The Herne Bay Pier Company," (which two Local and Personal Acts are hereafter in this Order referred to as the Company's Acts,) the Company were authorized to make at Herne Bay the Pier, jetty, quays, works, Parade, avenues, approaches, conveniences, and requisites therein mentioned, and to demand and receive rates, tolls, and dues: Preamble. 1 W. 4. c. xxv. 6 & 7 W. 4. c. cxii.

AND WHEREAS the Company made the Pier authorized by the said Acts (hereafter in this Order called the Pier):

AND WHEREAS for some time past the Pier has been in a dilapidated condition, and has been closed for want of sufficient funds to repair the same:

AND WHEREAS that portion of the northern or seaward end of the Pier distinguished by a yellow colour on the plan deposited with the Clerk of the Peace for the County of Kent, in accordance with the provisions of The General Pier and Harbour Act, 1861, Amendment Act, (hereafter in this Order referred to as the deposited plan,) has become of little public advantage:

AND WHEREAS under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Company made application by a Memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called the Board of Trade) praying their Lordships to make a Provisional Order under the provisions of those Acts, and thereby to empower the Company to abandon the said portion of the northward or seaward end of the Pier, and to apply the materials of the abandoned portion in repairing the southern or landward portion of the Pier; and to sell or otherwise dispose of so much of such materials as might not be used for that purpose, and also to levy and recover the same tolls, rates, and dues for the use of that portion of the Pier which should be so repaired as the Company are empowered to levy for the use of the whole Pier:

AND WHEREAS the estimated expenditure on the proposed works is 1,500*l.* and no more:

AND WHEREAS the amount of the Company's existing bond and judgment debts is 7,300*l.* or thereabouts:

AND WHEREAS the Company are desirous that a new power to borrow money for the purposes of the proposed works, to the extent of 2000*l.*, be granted to them, and that money borrowed under that power should be made a preference debt; and the great majority both in number and in value of the existing bond and judgment creditors of the Company assent to that arrangement, and none of them oppose the same, and it is expedient that it be authorized:

AND WHEREAS the Company published the advertisements and deposited the documents which by the last-mentioned Acts they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That from and immediately after the passing of an Act of Parliament confirming this Provisional Order the following provisions shall have effect:—

Power to take down part of pier.

1. The Company may take down and abandon such portion of the northern or seaward end of the Pier as is distinguished on the deposited plan by a yellow colour, and may apply the materials of that portion in or towards repairing the southern or landward portion of the Pier; and may sell or otherwise dispose of so much of those materials as is not used for that purpose, and shall apply the money arising thereby in or towards the maintenance or repair of the portion of the Pier to be retained or of other works of the Company.

Tolls.

2. Notwithstanding anything in or done under this Order the Company may demand and receive the tolls, rates, and dues which, under the Company's Acts, they are authorized to demand and receive, as if this Order had not been made or the Pier had not been in part taken down and abandoned.

Certain fishing vessels under stress of weather exempt from rates.

3. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the Pier, and not breaking bulk while making use thereof, be exempt from the tolls, dues, and rates aforesaid.

Additional power to borrow.

4. In addition to the sums which the Company are already authorized to borrow, they may, from time to time, borrow on mortgage any sum or sums of money not exceeding in the whole the sum of 2,000*l.*

5. The

Incorporation of part of 8 & 9 Vict. c. 16.

5. The provisions of The Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by the Company on mortgage or bond, are hereby incorporated with this Order; and notwithstanding anything in the Company's Acts those provisions exclusively shall have effect with respect to the borrowing of money by the Company under this Order; and in the construction of those provisions in connexion with this Order the term "the Company," therein used, shall have the same meaning as in this Order; and the term "the Special Act" shall mean this Order.

Preference Debt.

6. The sums from time to time borrowed under this Order, and all interest thereon, shall constitute a preference debt of the Company, and shall be a first charge on the undertaking, lands, and property of the Company, and on the tolls, rates, and dues leviable by them, in priority to all money owing by the Company at the time of the confirmation of this Order, whether for money borrowed or interest accrued due thereon or otherwise, and in priority to all interest to accrue due on any such money; but such first charge shall not affect the power of the Company to apply money received from tolls, rates, and dues in or towards the maintenance, management, and regulation of the Pier and other works.

Rate of interest.

7. The interest payable in respect of any money borrowed under this Order shall not exceed the rate of 10 per centum per annum.

Receiver.

8. The mortgagees of the Company under this Order may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver shall be 200*l.*

Application of money borrowed.

9. The Company may from time to time, out of money borrowed under this Order, apply any sum or sums, not exceeding in the whole the sum of 200*l.*, in the payment of a portion of the expenses incurred by them since the closing of the Pier, and in repayment of sums advanced to them for meeting other such expenses; and may out of money borrowed under this Order pay the expenses of and preliminary and incidental to the preparation of, application for, and obtaining of this Order; and subject thereto, all money borrowed under this Order shall be applied exclusively for the purposes of the works authorized by this Order.

Saving for Acts.

10. Nothing in this Order shall prejudicially affect any of the rights, powers, or privileges of the Company under the Company's Acts, or either of them.

Short title.

11. This Order may be cited as The Herne Bay Pier Order, 1865.

Board of Trade, Whitehall.
Dated this 20th day of April 1865.

T. H. Farrer,
Secretary.

LLANDRILLO.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Llandrillo, in the County of Carnarvon.

Preamble.

WHEREAS under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the promoters of the Llandrillo Pier Company, Limited, made application by a Memorial to the Lords of the Committee of Her Majesty's Most Honorable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, hereafter in this Order called the Board of Trade, setting forth the necessity of a Pier at Llandrillo, in the County of Carnarvon, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls not exceeding those hereafter in this Order specified:

AND WHEREAS the estimated expenditure on the proposed work is six thousand pounds and no more:

AND WHEREAS the promoters have published the advertisements and deposited the documents which by the last-mentioned Act they were required to publish and deposit:

AND WHEREAS the Board of Trade, after making such inquiries as they have though expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

NOW, THEREFORE, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order

That from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

Undertakers.

1. The Llandrillo Pier Company, Limited, hereafter in this Order called the Company, shall be the undertakers of the works authorized by this Order

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plans as the Board of Trade require from time to time

time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of works.

5. The works authorized by this Order comprise the following:

A Pier, jetty, and landing place, commencing opposite or near to a field called Dryll y Trwyn, in the occupation of John Parry Evans, (with limits of deviation laterally between a point opposite Capel St. Trillo, in a field called Cae Capel, in the occupation of the said John Parry Evans, on the north-west, and a point opposite the road leading from the shore, in the village of Llandrillo, to Colwyn and Mochdre, on the south-east,) and extending in a north-easterly direction towards and below low-water mark, a distance of four hundred yards or thereabouts.

Power to take rates according to Schedule.

6. The Company may demand, take, and receive, in respect of the vessels, cattle, goods, merchandise, persons, and things in the Schedule hereto described, any sums not exceeding the rates in the Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

7. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the Pier.

8. The Company may grant to passengers and promenaders or others pass-tickets for the use of the Pier, on such terms and for such a period, not exceeding one year, as may be agreed upon, but so that no preference be given to any person; a pass-ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use; if any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit pass-ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered as penalties are recoverable under The Harbours, Docks, and Piers Clauses Act, 1847 (for all the purposes of which Act this Order shall be deemed the special Act); and the Company may from time to time contract with any person or body corporate, for any period not exceeding one year, for a composition or reduced payment or payments in respect of the rates in the Schedule hereto specified, or any part or parts thereof, but so that no preference be given to any such person or body corporate.

Exemption of Custom House officers from rates.

9. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land, and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

10. The Company shall not purchase for extraordinary purposes (within the meaning of The Harbours, Docks, and Piers Clauses Act, 1847,) lands exceeding in the whole three acres.

Meters and weighers.

11. The Company shall have the appointment of meters and weighers on the pier.

Steam engines, diving bells, lighters, &c.

12. The Company may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, and other machinery and vessels, and also such tramways and carriages, as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they may think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

13. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the pier authorized by this Order.

Short title.

14. This Order may be cited as The Llandrillo Pier Order, 1865.

Board of Trade, Whitehall.
Dated this 6th day of April 1865.

T. H. Farrer,
Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
All lighters, for each trip, per ton	*0*	*2*
All boats entirely, open landing or taking on board goods, each	*0*	*6*

II.—Rates on Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	*0*	*6*
Ale, bottled, per barrel	*0*	*4*
Ditto, per dozen bottles	*0*	*1*
Anchors, per cwt.	*0*	*9*
Anchor stock, per foot run	*0*	*2*
Bark, per ton	*2*	*0*
Bedding, per bundle	*0*	*3*
Beef or pork, per cwt.	*0*	*3*
Beef or pork, per barrel	*0*	*6*
Biscuits or bread, per cwt.	*0*	*3*
Blubber, per tun of 252 gallons	*3*	*0*
Bones and bone dust, per ton	*1*	*6*
Bottles, per gross	*0*	*9*
Bricks, per 1,000	*1*	*6*
Butter and lard, per barrel	*0*	*6*
Ditto, per firkin	*0*	*3*
Cables, iron or hempen, per ton	*3*	*0*
Canvas, per bolt	*0*	*1*
Carriages:—		
Chaises and other four-wheeled carriages, each	*7*	*6*
Gigs, carts, and other two-wheeled carriages, each	*5*	*0*
Hand carts and perambulators, each	*1*	*0*

		s.	*d.*
	Casks (empty), not being returned packages, per puncheon	*0*	*3*
	Other casks in proportion.		
	Cattle:—		
	Bull, cows, and oxen each	*3*	*0*
5	Calves, each	*1*	*0*
	Horses, each	*4*	*0*
	Pigs, each	*0*	*6*
	Sheep, each	*0*	*6*
	Chalk, per ton	*1*	*0*
10	Cheese, per cwt.	*0*	*4*
	Chimney-pots, each	*0*	*3*
	Clay, per ton	*1*	*0*
	Cloth, haberdashery, &c., per package, not exceeding one cwt.	*0*	*6*
	Coals, per ton	*1*	*0*
15	Copper, per ton	*3*	*0*
	Cordage, per cwt.	*0*	*3*
	Corks, per cwt.	*0*	*6*
	Corpses, each	*20*	*0*
	Crystal, per box or package	*0*	*6*
20	Dogs, each	*0*	*6*
	Drugs (in casks, hampers, or boxes), per foot	*0*	*2*
	Earthenware (in crates), per foot	*0*	*1*
	Eggs, per box	*0*	*3*
	Fish (dried and salted), per cwt.	*0*	*3*
25	Ditto fresh, not enumerated	*0*	*2*
	Flax, per ton	*2*	*0*
	Flour and meal, per sack	*0*	*4*
	Ditto, per barrel	*0*	*3*
	Furniture (household), per 5 cubic feet	*0*	*4*
30	Fruit, per bushel or sieve	*0*	*4*
	Glass, per large crate	*1*	*6*
	Ditto, per small crate or case	*1*	*0*
	Ditto, per box	*0*	*6*
	Grain and seeds, per quarter	*0*	*6*
35	Groceries, not enumerated, per cwt.	*0*	*6*
	Guano, per ton	*1*	*6*
	Gunpowder, per barrel or keg	*0*	*6*
	Hams, bacon, or tongues, per cwt.	*0*	*4*
	Hardware, per ton	*2*	*6*
40	Hares and rabbits, per dozen	*0*	*4*
	Hay, per ton	*1*	*6*
	Ditto, per truss	*0*	*2*
	Hemp, per ton	*2*	*0*
	Herrings (fresh), per 1,000	*0*	*3*
45	Ditto (cured), per barrel	*0*	*3*
	Hides:		
	Ox, cow, or horse (wet or dry), each	*0*	*2*
	Iron:		
	Bar, bolt, rod, and shots, per ton	*1*	*6*
50	Pig and old, per ton	*1*	*0*
	Manufactured, per ton	*2*	*6*
	Pots, each	*0*	*1*
	Kelp, per ton	*2*	*0*
	Lead, per ton	*2*	*6*
55	Leather (tanned and dressed), per cwt.	*0*	*4*
	Lime, per 28 bushels	*1*	*4*
	Limestone, per ton	*1*	*0*
	Machinery, per ton	*2*	*6*

	s.	*d.*
Manure (not enumerated), per ton	*1*	*0*
Masts and spars, ten inches in diameter and upwards, each	*4*	*6*
Ditto, under ten inches, each	*3*	*0*
Meat (fresh), per cwt.	*0*	*6*
Milk, per gallon	*0*	*0½*
Musical instruments, per cubic feet	*0*	*1½*
Nets, per 5 cubic feet	*0*	*4*
Oakum, per cwt.	*0*	*2*
Oils, per ton	*2*	*0*
Oil cake, per ton	*2*	*0*
Oranges and lemons, per box	*0*	*6*
Ores, per ton	*1*	*0*
Oysters, per bushel	*0*	*3*
Paint, per cwt	*0*	*4*
Pitch and tar, per barrel	*0*	*6*
Potatoes, per cwt.	*0*	*2*
Poultry and game, per dozen	*0*	*4*
Rags and old rope, per ton	*2*	*0*
Sails, per cwt.	*0*	*6*
Salt, per cwt.	*0*	*1*
Sand, per ton	*1*	*0*
Shrimp baskets, each	*0*	*2*
Skins: Calf, goat, sheep, lamb, or dog, per dozen	*0*	*6*
Slates, per ton of 24 cubic feet	*2*	*0*
Spirits (Foreign or British), per hogshead	*1*	*0*
Ditto, per gallon	*0*	*1*
Stones, per ton of 16 cubic feet	*1*	*6*
Steel, per ton	*3*	*0*
Sugar, per cwt.	*0*	*3*
Tallow, soap and candles, per cwt.	*0*	*3*
Tea, per chest	*1*	*0*
Tiles, per thousand	*1*	*6*
Tin and zinc, per ton	*3*	*0*
Tobacco, per cwt.	*0*	*6*
Turbot, per score	*0*	*3*
Turnips, per ton	*0*	*6*
Turpentine and varnish, per barrel	*0*	*6*
Turtle, each	*2*	*6*
Vegetables (not enumerated), per cwt.	*0*	*4*
Vinegar, per hogshead	*0*	*6*
Vitriol, per carboy	*0*	*1*
Water, per cask	*0*	*3*
Wine, per hogshead	*1*	*0*
Ditto (bottled), per dozen bottles	*0*	*2*
Wood:—		
Fir, pine, and other description not enumerated, per load of fifty feet	*1*	*6*
Oak or wainscoat, per load of fifty feet	*2*	*0*
Firewood, per 216 cubic feet fathom	*1*	*6*
Laths and Lathwood, per fathom of 216 cubic feet	*2*	*6*
Handspikes, per one hundred and twenty	*3*	*0*
Oars, per one hundred and twenty	*5*	*0*
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per one hundred and twenty	*5*	*0*
Ditto, 2½ inches in diameter and under, per one hundred and twenty	*4*	*0*
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per one hundred and twenty	*9*	*0*

		s.	d.
	Wood—*cont.*		
	Spars, above 4 and under 6 inches in diameter, per one hundred and twenty	*14*	*0*
	Spokes of wheels not exceeding 2 feet in length, per one hundred and twenty	*2*	*0*
	Ditto, exceeding 2 feet in length, per hundred and twenty	*3*	*0*
	Ditto, treenails, per thousand	*2*	*6*
	Ditto, wedges, per thousand	*2*	*6*
	Pipe staves and others in proportion, per one hundred and twenty	*2*	*6*
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	*2*	*0*
	Wool, per cwt.	*0*	*4*
	Yarn, per cwt.	*0*	*2*

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

	Light goods, per cubic foot	*0*	*1*
	Heaving goods, per ton	*2*	*0*

In charging the rates on goods the gross weight or measurement on all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1*st, Rates of Craneage.*

		s.	d.
	All goods or packages not exceeding 1 ton	*0*	*4*
	Exceeding 1 ton and not exceeding 2 tons	*0*	*6*
	„ 2 tons „ 3 tons	*0*	*8*
	„ 3 tons „ 4 tons	*0*	*10*
	„ 4 tons „ 5 tons	*1*	*0*
	„ 5 tons „ 6 tons	*1*	*2*
	„ 6 tons „ 7 tons	*1*	*4*
	„ 7 tons „ 8 tons	*1*	*6*
	„ 8 tons „ 9 tons	*1*	*10*
	„ 9 tons „ 10 tons	*2*	*4*
	„ 10 tons	*3*	*6*

2*nd, Weighing Machines.*

	For goods weighed, for each ton or part of a ton	*0*	*2*

3*rd, Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

	For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	*0*	*2*

IV.—RATES FOR LAYING WATER MAINS ON PIER.

	Water, per ton	*0*	*6*

V.—RATES ON PASSENGERS LANDING OR EMBARKING FROM THE PIER.

		£	s.	d.
	For every passenger or other person who shall land on the Pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	*0*	*0*	*6*

	£	s.	d.
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - - -	0	0	2
For every bath or sedan chair taken on the Pier, for each and every time, any sum not exceeding - - -	0	0	6
For every perambulator - - - - - -	0	0	2
For every master of any vessel, boat or wherry, being an inhabitant of the town of Llandrillo, and using the said Pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - -	1	0	0

VI.—Rates on Passengers' Luggage Landed or Shipped.

	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not exceeding 28lbs. - - - - - -	0	2
Over 28lbs. and not exceeding 84lbs. - - -	0	4
Over 84lbs. and not exceeding 112lbs. - - -	0	5
Over 112lbs. and not exceeding 140lbs. - - -	0	6
Over 140lbs. and not exceeding 196lbs. - - -	0	7
Over 196lbs. and not exceeding 2 cwt. - - -	0	8
And for every 20lbs. weight in addition - - -	0	1

PENSARN (ABERGELE).

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Pensarn (Abergele), in the County of Denbigh.

Preamble. Whereas under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Promoters of the Pensarn (Abergele) Pier Company, Limited, made application by a memorial to the Lords of the Committee of Her Majesty's most Honourable Privy Council appointed for the consideration of Matters relating to Trade and Foreign Plantations, hereafter in this Order called the Board of Trade, setting forth the necessity of a Pier at Pensarn (Abergele), in the County of Denbigh, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing Powers and Privileges for the complete execution of the works, and for the levying of rates and tolls:

And whereas the estimated expenditure on the proposed works is ten thousand pounds, and no more:

And whereas the promoters have published the advertisements and deposited the documents which by the last-mentioned Act they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act

Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever) :

NOW THEREFORE, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the power thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect :—

Undertakers

1. The Pensarn (Abergele) Pier Company, Limited, hereafter in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of pier.

5. The works authorized by this Order comprise the following :—

A pier or jetty (with a landing stage), commencing opposite to and below the railings on the roadside against the bridge over the Chester and Holyhead section of the London and North-western Railway, near the Abergele Station on that railway, (with limits of deviation laterally between a point one hundred yards beyond a foot bridge over that railway on the east, and the dwelling house occupied by Mr. Edward Davies, at the level crossing on that railway in connexion with the new road leading from the beach to the town of Abergele, on the west) and extending in a northerly or north-westerly direction towards and beyond low-water mark, a distance of six hundred yards or thereabouts.

Power to take rates according to Schedule.

6. The Company may demand and receive in respect of the vessels, cattle, goods, merchandize, persons, and things in the Schedule hereto described, any sums not exceeding the rates in the Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

7. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier autho-

rized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the Pier.

8. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier, on such terms and for such a period, not exceeding one year, as may be agreed upon, but so that no preference be given to any person; a pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use; if any person acts in any way in contravention of this provision or uses, or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered as penalties are recoverable under The Harbours, Docks, and Piers Clauses Act, 1847, (for all the purposes of which Act this Order shall be deemed the special Act); and the Company may from time to time contract with any person, company, or body corporate, for any period not exceeding one year, for a composition or reduced payment or payments in respect of rates, but so that no preference be given to any person, company, or body corporate.

Exemption Custom House Officers from rates.

8. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land and with their vessels and otherwise, without payment.

Lands for extraordinary purposes.

9. The Company shall not purchase for extraordinary purposes (within the meaning of The Harbours, Docks, and Piers clauses Act, 1847,) lands exceeding in the whole three acres.

Meters and weighers.

10. The Company shall have the appointment of meters and weighers on the Pier.

Steam engines, diving bells, lighters, &c.

11. The Company may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, and other machinery and vessels, and also such tramways on the pier and carriages as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

12. Part V. of The Harbours and Passing Tolls, &c., Act, 1861, shall apply to the pier authorized by this Order.

Short title.

13. This Order may be cited as The Pensarn (Abergele) Pier Order, 1865.

Board of Trade, Whitehall.
Dated this 18th day of April 1865.

T. H. Farrer,
Secretary.

SCHE-

SCHEDULE.

I.—Rates on Vessels using the Pier.

		s.	*d.*
	For every vessel under the burden of 15 tons, per ton	*0*	*4*
	For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
5	„ „ 50 tons, „ 100 tons, „	*0*	*8*
	„ „ 100 tons, „ 150 tons, „	*0*	*10*
	„ „ 150 tons, and upwards, per ton	*1*	*0*
	All lighters for each trip, per ton	*0*	*2*
	All boats entirely open, landing or taking on board goods, each	*0*	*6*

II.—Rates on Goods shipped or unshipped at the Pier.

	Ale, beer, and porter, per hogshead	*0*	*6*
	Ale, bottled, per barrel	*0*	*4*
	Ditto, per dozen bottles	*0*	*1*
	Anchors, per cwt.	*0*	*9*
15	Anchor stock, per foot run	*0*	*2*
	Bark, per ton	*2*	*0*
	Bedding, per bundle	*0*	*3*
	Beef or pork, per cwt.	*0*	*3*
	Beef or pork, per barrel	*0*	*6*
20	Biscuits or bread, per cwt.	*0*	*3*
	Blubber, per tun of 252 gallons	*3*	*0*
	Bones and bone dust, per ton	*1*	*6*
	Bottles, per gross	*0*	*9*
	Bricks, per 1,000	*1*	*6*
25	Butter and lard, per barrel	*0*	*6*
	Ditto, per firkin	*0*	*3*
	Cables, iron or hempen, per ton	*3*	*0*
	Canvas, per bolt	*0*	*1*
	Carriages:		
30	Chaises and other four-wheeled carriages, each	*7*	*6*
	Gigs, carts, and other two-wheeled carriages, each	*5*	*0*
	Hand carts and perambulators, each	*1*	*0*
	Casks (empty), not being returned packages, per puncheon	*0*	*3*
	Other casks in proportion.		
35	Cattle:		
	Bulls, cows, and oxen, each	*3*	*0*
	Calves, each	*1*	*0*
	Horses, each	*4*	*0*
	Pigs, each	*0*	*6*
40	Sheep, each	*0*	*6*
	Chalk, per ton	*1*	*0*
	Cheese, per cwt.	*0*	*4*
	Chimney pots, each	*0*	*3*
	Clay, per ton	*1*	*0*
45	Cloth, Haberdashery, &c., per package, not exceeding one cwt.	*0*	*6*
	Coals, per ton	*1*	*0*
	Copper, per ton	*3*	*0*
	Cordage, per cwt.	*0*	*3*

	s.	*d.*
Corks, per cwt.	*0*	*6*
Corpses, each	*20*	*0*
Crystal, per box or package	*0*	*6*
Dogs, each	*0*	*6*
Drugs (in casks, hampers, or boxes), per foot	*0*	*2*
Earthenware (in crates) per foot	*0*	*1*
Eggs, per box	*0*	*3*
Fish (dried and salted), per cwt.	*0*	*3*
Ditto, fresh, not enumerated	*0*	*2*
Flax, per ton	*2*	*0*
Flour and meal, per sack	*0*	*4*
Ditto, per barrel	*0*	*3*
Furniture (household), per 5 cubic feet	*0*	*4*
Fruit, per bushel or sieve	*0*	*4*
Glass, per large crate	*1*	*6*
Ditto, per small crate or case	*1*	*0*
Ditto, per box	*0*	*6*
Grains and Seeds, per quarter	*0*	*6*
Groceries, not enumerated, per cwt.	*0*	*6*
Guano, per ton	*1*	*6*
Gunpowder, per barrel or keg	*0*	*6*
Hams, bacon, or tongues, per cwt.	*0*	*4*
Hardware, per ton	*2*	*6*
Hares and rabbits, per dozen	*0*	*4*
Hay, per ton	*1*	*6*
Ditto, per truss	*0*	*2*
Hemp, per ton	*2*	*0*
Herrings, (fresh) per 1,000	*0*	*3*
Ditto (cured), per barrel	*0*	*3*
Hides:—		
Ox, Cow, or horse (wet or dry), each	*0*	*2*
Iron:		
Bar, Bolt, rod, and shots, per ton	*1*	*6*
Pig and old, per ton	*1*	*0*
Manufactured, per ton	*2*	*6*
Pots, each	*0*	*1*
Kelp, per ton	*2*	*0*
Lead, per ton	*2*	*6*
Leather (tanned and dressed), per cwt.	*0*	*4*
Lime, per 28 bushels	*1*	*4*
Limestone, per ton	*1*	*0*
Machinery, per ton	*2*	*6*
Manure (not enumerated), per ton	*1*	*0*
Masts and spars, ten inches in diameter and upwards, each	*4*	*6*
Ditto, under ten inches, each	*3*	*0*
Meat (fresh), per cwt.	*0*	*6*
Milk, per gallon	*0*	*0½*
Musical Instruments, per cubic foot	*0*	*1*
Nets, per 5 cubic feet	*0*	*4*
Oakum, per cwt.	*0*	*2*
Oils, per ton	*2*	*0*
Oil cake, per ton	*2*	*0*
Oranges and lemons, per box	*0*	*6*
Ores, per ton	*1*	*0*
Oysters, per bushel	*0*	*3*
Paint, per cwt.	*0*	*4*
Pitch and tar, per barrel	*0*	*6*
Potatoes, per cwt.	*0*	*2*

		s.	*d.*
	Poultry and game, per dozen	0	4
	Rags and old rope, per ton	2	0
	Sails, per cwt.	0	6
	Salt, per cwt.	0	1
5	Sand, per ton	1	0
	Shrimp baskets, each	0	2
	Skins: Calf, goat, sheep, lamb, or dog, per dozen	0	6
	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign or British), per hogshead	1	0
10	Ditto, per gallon	0	1
	Stones, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap, and candles, per cwt.	0	3
15	Tea, per chest	1	0
	Tiles, per thousand	1	6
	Tin and zinc, per ton	3	0
	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
20	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
25	Vitriol, per carboy	0	1
	Water, per cask	0	3
	Wine, per hogshead	1	0
	Ditto (bottled), per dozen bottles	0	2
	Wood:		
30	Fir, pine, and other descriptions not enumerated, per load of fifty feet	1	6
	Oak or wainscoat, per load of fifty feet	2	0
	Firewood, per 216 cubic feet fathom	1	6
	Laths and lathwood, per fathom of 216 cubic feet	2	6
35	Handspikes, per 120	3	0
	Oars, per 120	5	0
	Spars, under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter, per 120	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
40	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	14	0
	Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
	Ditto, exceeding 2 feet in length, per 120	3	0
45	Ditto, trenails, per 1000	2	6
	Ditto, wedges, per 1000	2	6
	Pipe Staves, and others in proportion, per 120	2	6
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
50	Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	Light goods, per cubic foot	0	1
	Heavy goods, per ton	2	0
55	In charging the rates on goods the gross weight or measurement on all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.		

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1*st. Rates of Craneage.*

	s.	*d.*
All goods or packages not exceeding 1 ton	*0*	*4*
Exceeding 1 ton and not exceeding 2 tons	*0*	*6*
„ 2 tons „ 3 tons	*0*	*8*
„ 3 tons „ 4 tons	*0*	*10*
„ 4 tons „ 5 tons	*1*	*0*
„ 5 tons „ 6 tons	*1*	*2*
„ 6 tons „ 7 tons	*1*	*4*
„ 7 tons „ 8 tons	*1*	*6*
„ 8 tons „ 9 tons	*1*	*10*
„ 9 tons „ 10 tons	*2*	*4*
„ 10 tons - - -	*3*	*6*

2*d. Weighing Machines.*

For goods weighed, for each ton or part of a ton	*0*	*2*

3*d. Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of $1\frac{1}{2}$*d.* per ton for each day during which such goods shall remain after the first 48 hours.

For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	*0*	*2*

IV.—Rates for Laying Water Mains on Pier.

Water, per ton	*0*	*6*

V.—Rates on Passengers Landing on or Embarking from the Pier.

	£	*s.*	*d.*
For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	*0*	*0*	*6*
For every person who shall use the said pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	*0*	*0*	*2*
For every bath or sedan chair taken on the pier, for each and every time, any sum not exceeding	*0*	*0*	*6*
For every perambulator	*0*	*0*	*2*
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Pensarn (Abergele), and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	*1*	*0*	*0*

VI.—Rates on Passengers' Luggage Landed or Shipped.

		s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not exceeding 28 lbs.	- - - - - -	0	2
Over 28 lbs. and not exceeding 84 lbs.	- - - -	0	4
„ 84 lbs. „ 112 lbs.	- - - -	0	5
„ 112 lbs. „ 140 lbs.	- - - -	0	6
„ 140 lbs. „ 196 lbs.	- - - -	0	7
„ 196 lbs. „ 2 cwt.	- - - -	0	8
And for every 20 lbs. weight in addition	- - - -	0	1

Pier and Harbour Orders Confirmation (No. 2).

A

B I L L

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Eastbourne, Clevedon, Herne Bay, Llandrillo, and Pensarn.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 25 *May* 1865.

[Bill 168.]

Under 3 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

Confirming with Amendments certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Eastbourne, Clevedon, Herne Bay, Llandrillo, and Pensarn.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas the Board of Trade have made certain Provisional Orders: And whereas those Orders have been amended by Parliament, and are as so amended set out in the Schedule: And whereas it is expedient that the Orders so set out in the Schedule hereto be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and Form Confirmation of Orders in Schedule.

Form as they are set out in the said Schedule shall, from and after the passing of this Act, have full Validity and Force.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865, (No. 2.)

The SCHEDULE of Orders.

1. Eastbourne.
2. Clevedon.
3. Herne Bay.
4. Llandrillo.
5. Pensarn.

SCHE-

SCHEDULE to which the foregoing Act refers.

EASTBOURNE.

Order for the Amendment of The Eastbourne Pier Order, 1864.

1. Section 5 of the Eastbourne Pier Order, 1864 (hereafter in this Order called the Order of 1864) is hereby repealed. Repeal of description of pier in former Order.

2. The works authorized by this Order comprise the following:

A pier on iron piles commencing at a point on the esplanade opposite Cavendish Place in the town of Eastbourne in the parish of Eastbourne in the county of Sussex, and extending seaward in a south-easterly direction one thousand feet, or thereabouts. Description of pier.

3. This Order shall be construed with the Order of 1864 as one Order, and may be cited as The Eastbourne Pier Amendment Order, 1865; and the Order of 1864 and this Order may be cited together as The Eastbourne Pier Orders, 1864 and 1865. Construction and short titles.

CLEVEDON.

Order for the Amendment of The Clevedon Pier Order, 1864.

1. Sections 16 to 19 (inclusive) of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be and shall not be deemed to have been incorporated with the Clevedon Pier Order, 1864 (hereafter in this Order called the Order of 1864). Company need not provide lifeboat, or tide gauge, &c.

2. As soon as it is certified under the hand of a person appointed by the Board of Trade for the purpose that the Clevedon Pier Company (hereafter in this Order called the Company) have constructed and so far completed any portion of the pier and works authorized by the Order of 1864 as to afford convenient accommodation for the landing and embarking of passengers and goods (although the whole of the pier has not then been completed), the Company may demand and receive the rates which under the Order of 1864 they are entitled to take. Commencement of rates.

3. The powers given to the Company by The Harbours, Docks, and Piers Clauses Act, 1847, of making byelaws are hereby extended so as to authorize the Power to make byelaws as to articles in Schedules.

the making by the Company from time to time of byelaws for all or any of the following purposes, namely,—

1. For prohibiting the articles mentioned in the First Schedule hereto, or any of them, from being landed on, or embarked from, or deposited on the pier at any time:

2. For prohibiting the articles mentioned in the Second Schedule hereto, or any of them, from being led, carried, or drawn along or deposited on the the pier on any day between ten of the clock in the forenoon and one hour after sunset:

3. For prohibiting the articles mentioned in the Third Schedule hereto, or any of them, from being led, carried, or drawn along, or deposited on the pier, on any day from the first day of March to the thirty-first day of October, both inclusive, between ten of the clock in the forenoon and one hour after sunset.

Construction and short titles.

4. This Order shall be construed with the Order of 1864 as one Order, and may be cited as The Clevedon Pier Order, 1865; and the Order of 1864 and this Order may be cited together as The Clevedon Pier Orders, 1864 and 1865.

The First Schedule to which the foregoing Order refers.

Articles which may be altogether prohibited.

Ashes.
Blubber.
Bulls.
Cattle.
Corpses.
Gunpowder.
Hides.
Lime.
Manure, either natural or artificial.
Minerals, or other substances containing oxide of iron.
Ores.
Oxen.
Pigs.
Pitch and tar.
Sheep.
Rags and old rope.
Vitriol; and
All other articles of an offensive or dangerous character, or which in the judgment of the Company may interfere with the comfort of passengers, or the use of the pier for recreation.

The Second Schedule to which the foregoing Order refers.

Articles which may be prohibited between 10 a.m. and one hour after sunset.

Clay.
Coal of any description, including anthracite.
Coke.
Culm.
Fish (dried and salted).
Limestone.

Limestone.
Oilcake.
Oils.
Paint.
Spars.
Stones.
Tallow, soap and candles; and
All other articles which by their substance or smell are likely to cause annoyance to passengers or promenaders using the pier.

The THIRD SCHEDULE to which the foregoing Order refers.

All articles, merchandize or goods whatsoever, except the following things, namely:—

Articles which may be prohibited between 10 a.m. and one hour after sunset, from 1st March to 31st October.

Passenger's luggage, including carriages, horses and dogs.
Fresh fish.
Fruits.
Fresh butter.
Eggs.
Milk.
Poultry and game, including hares and rabbits.
Mail bags or boxes.
Soldiers' arms or accoutrements.

HERNE BAY.

Order for the Improvement, Maintenance, and Regulation of the Pier at Herne Bay, in the Parish of Herne, in the County of Kent.

Power to take down part of pier.

1. The Herne Bay Pier Company (hereafter in this Order called the Company) may take down and abandon such portion of the northern or seaward end of the Herne Bay Pier as is distinguished on the plan deposited for the Purposes of this Order with the Clerk of the Peace for the County of Kent by a yellow colour, and may apply the materials of that portion in or towards repairing the southern or landward portion of the Pier; and may sell or otherwise dispose of so much of those materials as is not used for that purpose, and shall apply the money arising thereby in or towards the maintenance or repair of the portion of the Pier to be retained or of other works of the Company.

Tolls.

2. Notwithstanding anything in or done under this Order the Company may demand and receive the tolls, rates, and dues which, under the Acts described in the Schedule to this Order (hereafter in this Order called the Company's Acts), they are authorized to demand and receive, as if this Order had not been made or the Pier had not been in part taken down and abandoned.

Certain fishing vessels under stress of weather exempt from rates.

3. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United

Kingdom, shall, when forced by stress of weather to make use of the Pier, and not breaking bulk while making use thereof, be exempt from the tolls, dues, and rates aforesaid.

Additional power to borrow.

4. In addition to the sums which the Company are already authorized to borrow, they may, from time to time, borrow on mortgage any sum or sums of money not exceeding in the whole the sum of 2,000*l.*

Incorporation of part of 8 & 9 Vict. c. 16.

5. The provisions of The Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by the Company on mortgage or bond, are hereby incorporated with this Order; and notwithstanding anything in the Company's Acts those provisions exclusively shall have effect with respect to the borrowing of money by the Company under this Order; and in the construction of those provisions in connexion with this Order the term "the Company," therein used, shall have the same meaning as in this Order; and the term "the Special Act" shall mean this Order.

Preference Debt.

6. The sums from time to time borrowed under this Order, and all interest thereon, shall constitute a preference debt of the Company, and shall be a first charge on the undertaking, lands, and property of the Company, and on the tolls, rates, and dues leviable by them, in priority to all money owing by the Company at the time of the confirmation of this Order, whether for money borrowed or interest accrued due thereon or otherwise, and in priority to all interest to accrue due on any such money; but such first charge shall not affect the power of the Company to apply money received from tolls, rates, and dues in or towards the maintenance, management, and regulation of the Pier and other works.

Rate of interest.

7. The interest payable in respect of any money borrowed under this Order shall not exceed the rate of 10 per centum per annum.

Receiver.

8. The mortgagees of the Company under this Order may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver shall be 200*l.*

Application of money borrowed.

9. The Company may from time to time, out of money borrowed under this Order, apply any sum or sums, not exceeding in the whole the sum of 200*l.*, in the payment of a portion of the expenses incurred by them since the closing of the Pier, and in repayment of sums advanced to them for meeting other such expenses; and may out of money borrowed under this Order pay the expenses of and preliminary and incidental to the preparation of, application for, and obtaining of this Order; and subject thereto, all money borrowed under this Order shall be applied exclusively for the purposes of the works authorized by this Order.

Saving for Acts.

10. Nothing in this Order shall prejudicially affect any of the rights, powers, or privileges of the Company under the Company's Acts, or either of them.

Short title.

11. This Order may be cited as The Herne Bay Pier Order, 1865.

The SCHEDULE to which the foregoing Order refers.

1 Will. 4. c. xxv.	An Act for making and maintaining a Pier or Jetty, or other Works, at Herne Bay in the Parish of Herne in the County of Kent.
6 & 7 Will. 4. c. cxii.	An Act for altering, amending, and enlarging the Powers and Provisions of an Act for making and maintaining a Pier or Jetty and other Works at Herne Bay in the Parish of Herne in the County of Kent; and for giving additional Powers to the Herne Bay Pier Company.

LLANDRILLO.

Order for the Construction, Maintenance, and Regulation of a Pier at Llandrillo, in the County of Carnarvon.

Undertakers.

1. The Llandrillo Pier Company, Limited, hereafter in this Order called the Company, shall be the undertakers of the works authorized by this Order

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

5. The works authorized by this Order comprise the following:

Description of works.

A Pier, jetty, and landing place, commencing opposite or near to a field called Dryll y Trwyn, in the occupation of John Parry Evans, (with limits of deviation laterally between a point opposite Capel St. Trillo, in a field called Cae Capel, in the occupation of the said John Parry Evans, on the north-west, and a point opposite the road leading from the shore, in the village of Llandrillo, to Colwyn and Mochdre, on the south-east,) and extending in a north-easterly direction towards and below low-water mark, a distance of four hundred yards or thereabouts.

Power to take rates according to Schedule.

6. The Company may demand, take, and receive, in respect of the vessels, cattle, goods, merchandise, persons, and things in the Schedule hereto described, any sums not exceeding the rates in the Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

7. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the Pier.

8. The Company may grant to passengers and promenaders or others pass-tickets for the use of the Pier, on such terms and for such a period, not exceeding one year, as may be agreed upon, but so that no preference be given to any person; a pass-ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use; if any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit pass-ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered as penalties are recoverable under The Harbours, Docks, and Piers Clauses Act, 1847 (for all the purposes of which Act this Order shall be deemed the special Act); and the Company may from time to time contract with any person or body corporate, for any period not exceeding one year, for a composition or reduced payment or payments in respect of the rates in the Schedule hereto specified, or any part or parts thereof, but so that no preference be given to any such person or body corporate.

Exemption of Custom House officers from rates.

9. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land, and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

10. The Company shall not purchase for extraordinary purposes (within the meaning of The Harbours, Docks, and Piers Clauses Act, 1847,) lands exceeding in the whole three acres.

Meters and weighers.

11. The Company shall have the appointment of meters and weighers on the pier.

Steam engines, diving bells, lighters, &c.

12. The Company may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, and other machinery and vessels, and also such tramways and carriages, as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they may think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

13. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the pier authorized by this Order.

Short title.

14. This Order may be cited as The Llandrillo Pier Order, 1865.

SCHE-

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER.

		s.	*d.*
	For every vessel under the burden of 15 tons, per ton	0	4
	For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
	For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
	For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
	For every vessel of the burden of 150 tons and upwards, per ton	1	0
	All lighters, for each trip, per ton	0	2
	All boats entirely, open landing or taking on board goods, each	0	6

II.—RATES ON GOODS SHIPPED OR UNSHIPPED AT THE PIER.

	Ale, beer, and porter, per hogshead	0	6
	Ale, bottled, per barrel	0	4
	Ditto, per dozen bottles	0	1
	Anchors, per cwt.	0	9
	Anchor stock, per foot run	0	2
	Bark, per ton	2	0
	Bedding, per bundle	0	3
	Beef or pork, per cwt.	0	3
	Beef or pork, per barrel	0	6
	Biscuits or bread, per cwt.	0	3
	Blubber, per tun of 252 gallons	3	0
	Bones and bone dust, per ton	1	6
	Bottles, per gross	0	9
	Bricks, per 1,000	1	6
	Butter and lard, per barrel	0	6
	Ditto, per firkin	0	3
	Cables, iron or hempen, per ton	3	0
	Canvas, per bolt	0	1
	Carriages:—		
	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand carts and perambulators, each	1	0
	Casks (empty), not being returned packages, per puncheon	0	3
	Other casks in proportion.		
	Cattle:—		
	Bull, cows, and oxen each	3	0
	Calves, each	1	0
	Horses, each	4	0
	Pigs, each	0	6
	Sheep, each	0	6
	Chalk, per ton	1	0
	Cheese, per cwt.	0	4
	Chimney-pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package, not exceeding one cwt.	0	6
	Coals, per ton	1	0
	Copper, per ton	3	0
	Cordage, per cwt.	0	3
	Corks, per cwt.	0	6
	Corpses, each	20	0
	Crystal, per box or package	0	6

	s.	*d.*
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto fresh, not enumerated	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Furniture (household), per 5 cubic feet	0	4
Fruit, per bushel or sieve	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grain and seeds, per quarter	0	6
Groceries, not enumerated, per cwt.	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather (tanned and dressed), per cwt.	0	4
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, ten inches in diameter and upwards, each	4	6
Ditto, under ten inches, each	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cubic feet	0	1
Nets, per 5 cubic feet	0	4
Oakum, per cwt.	0	2
Oils, per ton	2	0
Oil cake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6

		s.	*d.*
	Salt, per cwt.	0	1
	Sand, per ton	1	0
	Shrimp baskets, each	0	2
	Skins: Calf, goat, sheep, lamb, or dog, per dozen	0	6
5	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign or British), per hogshead	1	0
	Ditto, per gallon	0	1
	Stones, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
10	Sugar, per cwt.	0	3
	Tallow, soap and candles, per cwt.	0	3
	Tea, per chest	1	0
	Tiles, per thousand	1	6
	Tin and zinc, per ton	3	0
15	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
20	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
	Vitriol, per carboy	0	1
	Water, per cask	0	3
	Wine, per hogshead	1	0
25	Ditto (bottled), per dozen bottles	0	2
	Wood:—		
	Fir, pine, and other description not enumerated, per load of fifty feet	1	6
	Oak or wainscoat, per load of fifty feet	2	0
30	Firewood, per 216 cubic feet fathom	1	6
	Laths and Lathwood, per fathom of 216 cubic feet	2	6
	Handspikes, per one hundred and twenty	3	0
	Oars, per one hundred and twenty	5	0
	Spars under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in		
35	diameter, per one hundred and twenty	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per one hundred and twenty	4	0
	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per one hundred and twenty	9	0
40	Spars, above 4 and under 6 inches in diameter, per one hundred and twenty	14	0
	Spokes of wheels not exceeding 2 feet in length, per one hundred and twenty	2	0
	Ditto, exceeding 2 feet in length, per hundred and twenty	3	0
45	Ditto, treenails, per thousand	2	6
	Ditto, wedges, per thousand	2	6
	Pipe staves and others in proportion, per one hundred and twenty	2	6
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
50	Yarn, per cwt.	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

	Light goods, per cubic foot	0	1
	Heaving goods, per ton	2	0

In charging the rates on goods the gross weight or measurement on all goods
55 to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1st, Rates of Craneage.

	s.	d.
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6

2nd, Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2

3rd, Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2

IV.—Rates for laying Water Mains on Pier.

Water, per ton	0	6

V.—Rates on Passengers Landing or Embarking from the Pier.

	£	s.	d.
For every passenger or other person who shall land on the Pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	0	0	6
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	0	2
For every bath or sedan chair taken on the Pier, for each and every time, any sum not exceeding	0	0	6
For every perambulator	0	0	2
For every master of any vessel, boat or wherry, being an inhabitant of the town of Llandrillo, and using the said Pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	1	0	0

VI.—Rates on Passengers' Luggage Landed or Shipped.

	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not exceeding 28lbs.	0	2
Over 28lbs. and not exceeding 84lbs.	0	4
Over 84lbs. and not exceeding 112lbs.	0	5
Over 112lbs. and not exceeding 140lbs.	0	6
Over 140lbs. and not exceeding 196lbs.	0	7
Over 196lbs. and not exceeding 2 cwt.	0	8
And for every 20lbs. weight in addition	0	1

PENSARN (ABERGELE).

Order for the Construction, Maintenance, and Regulation of a Pier at Pensarn (Abergele), in the County of Denbigh.

Undertakers.

1. The Pensarn (Abergele) Pier Company, Limited, hereafter in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of pier.

5. The works authorized by this Order comprise the following:—

A pier or jetty (with a landing stage), commencing opposite to and below the railings on the roadside against the bridge over the Chester and Holyhead section of the London and North-western Railway near the Abergele Station on that railway, (with limits of deviation laterally between a point one hundred yards beyond a foot bridge over that railway on the east, and the dwelling house occupied by Mr. Edward Davies, at the level crossing on that railway in connexion with the new road leading from the beach to the town of Abergele, on the west) and extending in a northerly or north-westerly direction towards and beyond low-water mark, a distance of six hundred yards or thereabouts.

Power to take rates according to Schedule.

6. The Company may demand and receive in respect of the vessels, cattle, goods, merchandize, persons, and things in the Schedule hereto described, any sums not exceeding the rates in the Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

7. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the Pier.

8. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier, on such terms and for such a period, not exceeding one year, as may be agreed upon, but so that no preference be given to any person; a pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use; if any person acts in any way in contravention of this provision or uses, or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered as penalties are recoverable under The Harbours, Docks, and Piers Clauses Act, 1847, (for all the purposes of which Act this Order shall be deemed the special Act); and the Company may from time to time contract with any person, company, or body corporate, for any period not exceeding one year, for a composition or reduced payment or payments in respect of rates, but so that no preference be given to any person, company, or body corporate.

Exemption Custom House Officers from rates.

8. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land and with their vessels and otherwise, without payment.

Lands for extraordinary purposes.

9. The Company shall not purchase for extraordinary purposes (within the meaning of The Harbours, Docks, and Piers clauses Act, 1847,) lands exceeding in the whole three acres.

Meters and weighers.

10. The Company shall have the appointment of meters and weighers on the Pier.

Steam engines, diving bells, lighters, &c.

11. The Company may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, and other machinery and vessels, and also such tramways on the pier and carriages as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

12. Part V. of The Harbours and Passing Tolls, &c., Act, 1861, shall apply to the pier authorized by this Order.

Short title.

13. This Order may be cited as The Pensarn (Abergele) Pier Order, 1865.

SCHE-

Schedule to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	d.
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
„ „ 50 tons, „ 100 tons, „	0	8
„ „ 100 tons, „ 150 tons, „	0	10
„ „ 150 tons, and upwards, per ton	1	0
All lighters for each trip, per ton	0	2
All boats entirely open, landing or taking on board goods, each	0	6

II.—Rates on Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	0	6
Ale, bottled, per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Beef or pork, per barrel	0	6
Biscuits or bread, per cwt.	0	3
Blubber, per tun of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Carriages:		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand carts and perambulators, each	1	0
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	0	6
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, Haberdashery, &c., per package, not exceeding one cwt.	0	6
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3

	s.	*d.*
Corks, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates) per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh, not enumerated	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Furniture (household), per 5 cubic feet	0	4
Fruit, per bushel or sieve	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grains and Seeds, per quarter	0	6
Groceries, not enumerated, per cwt.	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings, (fresh) per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:—		
Ox, Cow, or horse (wet or dry), each	0	2
Iron:		
Bar, Bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather (tanned and dressed), per cwt.	0	4
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, ten inches in diameter and upwards, each	4	6
Ditto, under ten inches, each	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical Instruments, per cubic foot	0	1
Nets, per 5 cubic feet	0	4
Oakum, per cwt.	0	2
Oils, per ton	2	0
Oil cake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2

		s.	*d.*
	Poultry and game, per dozen	0	4
	Rags and old rope, per ton	2	0
	Sails, per cwt.	0	6
	Salt, per cwt.	0	1
5	Sand, per ton	1	0
	Shrimp baskets, each	0	2
	Skins: Calf, goat, sheep, lamb, or dog, per dozen	0	6
	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign or British), per hogshead	1	0
10	Ditto, per gallon	0	1
	Stones, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap, and candles, per cwt.	0	3
15	Tea, per chest	1	0
	Tiles, per thousand	1	6
	Tin and zinc, per ton	3	0
	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
20	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
25	Vitriol, per carboy	0	1
	Water, per cask	0	3
	Wine, per hogshead	1	0
	Ditto (bottled), per dozen bottles	0	2
	Wood:		
30	Fir, pine, and other descriptions not enumerated, per load of fifty feet	1	6
	Oak or wainscoat, per load of fifty feet	2	0
	Firewood, per 216 cubic feet fathom	1	6
	Laths and lathwood, per fathom of 216 cubic feet	2	6
35	Handspikes, per 120	3	0
	Oars, per 120	5	0
	Spars, under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter, per 120	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
40	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	14	0
	Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
	Ditto, exceeding 2 feet in length, per 120	3	0
45	Ditto, trenails, per 1000	2	6
	Ditto, wedges, per 1000	2	6
	Pipe Staves, and others in proportion, per 120	2	6
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
50	Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	Light goods, per cubic foot	0	1
	Heavy goods, per ton	2	0
55	In charging the rates on goods the gross weight or measurement on all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.		

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1*st. Rates of Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6

2*d. Weighing Machines.*

For goods weighed, for each ton or part of a ton	0	2

3*d. Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2

IV.—Rates for Laying Water Mains on Pier.

Water, per ton	0	6

V.—Rates on Passengers Landing on or Embarking from the Pier.

	£	s.	d.
For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	0	0	6
For every person who shall use the said pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	0	2
For every bath or sedan chair taken on the pier, for each and every time, any sum not exceeding	0	0	6
For every perambulator	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Pensarn (Abergele), and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	1	0	0

VI.—Rates on Passengers' Luggage Landed or Shipped.

		s.	d.
	For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not exceeding 28 lbs. - - - - - -	0	2
5	Over 28 lbs. and not exceeding 84 lbs. - - - -	0	4
	„ 84 lbs. „ 112 lbs. - - - -	0	5
	„ 112 lbs. „ 140 lbs. - - - -	0	6
	„ 140 lbs. „ 196 lbs. - - - -	0	7
	„ 196 lbs. „ 2 cwt. - - -	0	8
10	And for every 20 lbs. weight in addition - - - -	0	1

Pier and Harbour Orders Confirmation (No. 2).

A

B I L L

[AS AMENDED IN COMMITTEE]

For confirming with Amendments certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Eastbourne, Clevedon, Herne Bay, Llandrillo, and Pensarn.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 16 *June* 1865.

[Bill 222.]

Under 3 *oz.*

345

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Girvan, Mevagissey, and Stornoway.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule hereto, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and Form as they are set out in the said Schedule shall, Confirmation of Orders in Schedule.

shall, from and after the *passing of this Act*, have full Validity and Force.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865. (No 3.)

The SCHEDULE of Provisional Orders.

1. GIRVAN.
2. MEVAGISSEY.
3. STORNOWAY.

GIRVAN.

Provisional Order of the Board of Trade, for the Improvement and Regulation of the Harbour of Girvan in the County of Ayr.

Whereas under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the promoters of the Harbour of Girvan Improvement made application by a Memorial to the Lords of the Committee of Her Majesty's Most Honourable and Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations (hereafter in this Order called the Board of Trade) praying them (among other things) to grant a Provisional Order under the said Acts, and thereby to constitute Commissioners or other proper Harbour Authority for the Harbour of Girvan, in Scotland, and to empower such Commissioners to make and maintain certain works and excavations at the entrance to and within the Harbour for the purpose of deepening the same, and for the improvement of the entrance by the erection of buoys, beacons, and pier lights, and to levy rates, and to extinguish rights and privileges in and over the Harbour, so far as the same might be inconsistent with the Order, especially the rights of her Grace Henrietta Dundas Dalrymple Hamilton of Bargany Duchesse de Coigny, and Augustin Louis Joseph Cassimer Gustave de Franquitot Duc de Coigny, her husband (since deceased), in respect of anchorage, or any other rights in or connected with the Harbour belonging to the said Duchesse and Duc de Coigny, and to provide for recompensing the said Duchesse and Duc de Coigny and others (if any) whose rights should be extinguished, and to raise money for the purposes of such works and compensation: Preamble.

And whereas the estimated expenditure on the proposed works and excavations is 12,133*l.*, and no more:

And whereas the promoters published the advertisements, and deposited the documents, which by the last-mentioned Act they were required to publish and deposit:

And whereas the Board of Trade after making such inquiries as they have thought expedient have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in that behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

1. There shall be a body of Commissioners for carrying this Order into execution, which Commissioners and their successors shall be and are hereby, for Incorporation of Commissioners.

for the purposes of this Order, incorporated by the name of The Harbour of Girvan Improvement Commissioners, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, lease, take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of this Order.

Meaning of "The Commissioners."

2. The term "The Commissioners," when hereafter used in this Order, means the Harbour of Girvan Improvement Commissioners.

Appointment of the several Commissioners.

3. The appointment of the Commissioners shall be regulated as follows:—

(1.) The following two persons are hereby appointed Commissioners, namely,—

The heir of entail in possession for the time being of the estate known by the name of the Bargany Estate;

The Right Honourable Thomas Francis Kennedy, and after his death the heir of entail in possession for the time being of the estate known by the name of the Dalquharran and Girvan Mains Estate;

And in the absence of such Commissioners, or of either of them, the Factor holding the mandate of the absent Commissioner, or of his guardian or guardians should such Commissioner be an infant, may act for his principal to all intents and purposes under this Order as if he were himself such principal:

(2.) The Glasgow and South-Western Railway Company, acting by the directors of the company, shall, as soon as may be after the commencement of the operation of this Order, appoint from among the directors or shareholders of that company two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of any one of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties; provided that each appointment of a Commissioner shall be determinable at any time by the authority of the said company:

(3.) The registered shipowners of Girvan shall from time to time elect two persons to be Commissioners:

(4.) Two of the Commissioners shall be appointed annually by the Town Council of Girvan; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those two Commissioners within his year of office, another person shall be appointed by the Town Council to fill the vacancy.

Election of Commissioners by Girvan Shipowners.

4. The election of Commissioners by the registered shipowners of Girvan shall be regulated as follows:—

(1.) The first meeting of the registered shipowners of Girvan for the election of Commissioners shall be held within the Town Hall of Girvan within one calendar month from the commencement of the operation of this Order, at a time to be advertised by Mr. William Murray, of Girvan, writer, ten days at least, and in his default by some person appointed by the Board of Trade, three days at least, before the day of meeting, by hand-bills posted in Girvan:

(2.) Annual meetings of the registered shipowners of Girvan for the election of Commissioners shall be held within the Town Hall of Girvan aforesaid,

said, or at such other place within Girvan as the Commissioners from time to time appoint, on such day as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting, by hand-bills posted in Girvan:

(3.) All persons owners of vessels or shares in vessels registered at the Custom House of Ayr as belonging to the Port of Girvan, to the extent of ten registered tons or upwards, and having been possessed thereof for six months immediately previous to the date of election, and none others, shall have a voice or vote at every such meeting; and such shipowners, being so assembled, shall elect a preses and clerk, and those present shall, if required, satisfy the preses or clerk of his qualification, by the production of the register or registers of a vessel or vessels, or by the certificate of the collector or comptroller of the Customs of the Port of Ayr; and for every such certificate the collector or comptroller, on delivery of the same, shall be entitled to a fee not exceeding two shillings and sixpence from the person requiring the same:

(4.) Each registered shipowner, qualified as aforesaid, shall be entitled to one vote, and no more, for each of the persons proposed to be elected Commissioners; and in case of an equality the preses shall be entitled to a casting vote; and a certificate of the election, signed by the preses, shall be forthwith transmitted to the clerk of the Commissioners, and shall be conclusive evidence of the persons or person thereby appearing to have been elected having been elected:

(5.) Such one of the Commissioners elected by shipowners at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be re-eligible; the remaining one shall go out of office at the third meeting, but shall be re-eligible:

(6.) Each Commissioner elected by the registered shipowners of Girvan at the second meeting, and at subsequent annual meetings, shall go out of office at the second meeting after his election, but shall be re-eligible:

(7.) Section Nineteen of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Incorporation of parts of 10 & 11 Vict. c. 16.

5. The Commissioners Clauses Act, 1847, so far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) Sections six, seven, seventeen, and eighteen, and sections twenty to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order:

(2.) With reference to section thirty-nine of the same Act, the prescribed number (constituting a quorum) of the Commissioners shall be three:

(3.) Section fifty-four of the same Act shall not be incorporated with this Order:

(4.) With reference to section eighty-four of the same Act, the sum to be every year appropriated and set apart out of the rates as a sinking fund shall be not less than one fiftieth part of the principal monies borrowed,

borrowed, such appropriation to commence from the expiration of twelve months after full rates are exigible under this Order:

(5.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed.

Undertakers.

6. The Commissioners shall be the undertakers of the works authorized by this Order.

Commencement of Commissioners' powers.

7. The Commissioners shall be deemed fully constituted and incorporated, and shall commence to act under this Order, as soon as four persons have been appointed Commissioners in addition to the two appointed by this Order; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of any Commissioner, or by the want of qualification of any person acting as Commissioner, or by any informality in the appointment or election of any Commissioner.

Limits of Harbour.

8. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall comprise the works by this Act authorized, and the lands, foreshore, and sea contained within the same, and shall extend from the wooden bridge which crosses the Water of Girvan at or near Newton Kennedy down to and including the whole of the present harbour and quay walls, and to a distance of three hundred yards in a circle seaward from high-water mark at ordinary spring tides, the centre of the circle being a point at the entrance to the river midway between the extreme points of the proposed northern and southern piers.

Power to take lands by agreement.

9. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, and use such lands in and around Girvan Harbour as may be required for the proposed works, not exceeding in the whole five acres.

Incorporation of Lands Clauses Acts.

10. The Lands Clauses Consolidation (Scotland) Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to execute works.

11. Subject to the provisions of this Order, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, execute and maintain the works shown on the deposited plans and sections.

Description of works.

12. The works authorized by this Order comprise the following:—

(1.) The general deepening, improving, and enlarging of the Harbour of Girvan;

(2.) A pier on the south side of the said harbour extending from high-water mark seaward, a distance of three hundred and ninety feet or thereby;

(3.) A pier and harbour wall on the north side of the said harbour, commencing at a jetty belonging to the Maybole and Girvan Railway Company, and terminating at a point seven hundred feet or thereby seaward from the said jetty;

with all necessary quays, wharves, jetties, landing-places, approaches, warehouses,

houses, offices, sheds, weighing-machines, works, and conveniences connected with the proposed pier and wall.

Anchorage dues abolished, and Schedule of new rates.

13. The anchorage dues hitherto leviable in the existing harbour shall continue leviable for twelve months only from the commencement of the operation of this Order, and shall then cease to be levied; and thenceforth the Commissioners may demand and receive rates in respect of the vessels, persons, animals, and goods described in the Schedule to this Order, subject to the other provisions of this Order, and subject and according to the following provisions; namely,—

(1.) Until the Commissioners have expended the sum of six thousand pounds on works authorized by this Order they may demand and receive any rates not exceeding in each instance one half of those specified in the Schedule to this Order;

(2.) As soon as they have expended the sum of six thousand pounds on works authorized by this Order they may demand and receive rates not exceeding those specified in that Schedule;

(3.) If, however, within two years from the commencement of the operation of this Order, the harbour is not completed and fit for the reception at all jetties now existing, and at all quays and jetties to be constructed under this Order, of vessels capable of carrying two hundred tons of coals or other goods, then from the expiration of those two years the Commissioners shall not demand or receive any rates under this Order until the harbour is so completed and fit;

(4.) If, moreover, within three years from the commencement of the operation of this Order, the harbour is not completed and fit for the reception, at all jetties now existing and at all quays and jetties to be constructed under this Order, of vessels capable of carrying three hundred tons of coals or other goods, then from the expiration of those three years the Commissioners shall not demand or receive any rates under this Order until the harbour is so completed and fit;

(5.) The Board of Trade may, nevertheless, if they think it expedient, extend the said period of three years for any time or times not exceeding in the whole one year.

Evidence of expenditure, &c.

14. A certificate under the hand of the sheriff of the county of Ayr shall be conclusive evidence that the sum of six thousand pounds has been expended as aforesaid, or that the harbour is completed and fit as aforesaid (as the case may require); and the sheriff shall sign and give such certificate on proof being adduced to him of the expenditure, or of the completion and fitness, required to be certified.

Certain fishing vessels under stress of weather exempt from rates.

15. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Customs Officers.

16. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and out of the harbour

and the works of the Commissioners by land and with their vessels and otherwise without payment.

Abolition of anchorage and other rights.

17. From and after the expiration of twelve months from the commencement of the operation of this Order all rights of the said Duchesse de Coigny, in respect of the custom of anchorage in Girvan Harbour, and any other right, privilege, or custom in, over, or affecting Girvan Harbour or the waters thereof, so far as the same may interfere with the rights, powers, or duties of the Commissioners, shall be abolished, but nothing in this Order shall apply to or in any manner affect any agreement now subsisting between the said Thomas Francis Kennedy and the Maybole and Girvan Railway Company.

Borrowing power.

18. The Commissioners may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of fifteen thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates authorized by this Order, or of any of those particulars, or of any other the property of the Commissioners; and any money borrowed under this Order and discharged otherwise than by means of the sinking fund, may be re-borrowed, if required for the purposes of this Order, and so toties quoties.

Money to be applied for purposes of Order.

19. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and income.

20. The Commissioners shall apply all money received by them from the rates authorized by this Order, and all other income coming into their hands in respect of the works authorized by this Order, or from lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

(1.) In paying year by year the expenses of the maintenance, management, and regulation of the works authorized by this Order, and of the lands and property connected or used therewith:

(2.) In paying off a debt or debts due to the said Duchesse de Coigny, and not exceeding in the whole the sum of six hundred pounds, the exact amount of which (not exceeding that sum) is to be ascertained by a single referee to be named by the Sheriff Substitute of the county of Ayr at Ayr:

(3.) In paying a sum of twenty-five pounds in every year after the expiration of twelve months from the commencement of the operation of this Order to the said Duchesse de Coigny, or the heir of entail in possession for the time being of the said estate of Bargany, as compensation for the said custom of anchorage:

(4.) In paying year by year the interest accruing on money borrowed under the authority of this Order, and any sum payable on account of the principal thereof:

(5.) In expending the surplus (if any) towards the deepening and improvement and general purposes of the Harbour.

Commissioners may provide engines, lighters, &c.

21. The Commissioners may for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels,

vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit, and may from time to time, as they think fit, sell and dispose of any such dredges, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of this Order, or some of them.

Pilotage, lights, buoys, and beacons.

22. The Commissioners shall be a pilotage authority and local authority within the meaning of The Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Meters and weighers.

23. The Commissioners shall have the appointment of meters and weighers within the limits of the harbour.

Lands for extraordinary purposes.

24. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole one acre.

Exception of parts of Harbours Clauses Act.

25. Sections sixteen, seventeen, eighteen, nineteen, twenty-five, and twenty-six of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Confirmation of Byelaws, and provision for management of Harbour.

26. Any byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed by the Board of Trade, which allowance shall be sufficient as confirmation thereof for all purposes; and it shall not be lawful for the Harbour Master by virtue of section fifty-two of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as he or they may be expressly authorized by the byelaws to do so.

Saving for rights of third parties.

27. Nothing in this Order shall confer on or confirm to the said Duchesse de Coigny, her heirs, executors, administrators, successors, or assigns, or on or to the said Thomas Francis Kennedy, his heirs, executors, administrators, successors, or assigns, any estate, right, title, or interest in any property or thing, or affect the estate, right, title, or interest (if any) of any person claiming any property or thing adversely to the said Duchesse, her heirs, executors, administrators, successors, or assigns, or to the said Thomas Francis Kennedy, his heirs, executors, administrators, successors, or assigns.

Costs of Order.

28. The Commissioners shall pay the costs of and connected with the obtaining, preparation, and making of this Order out of the first money which comes to their hands under this Order.

Short Title.

29. This Order may be cited as The Harbour of Girvan Improvement Order, 1865.

Board of Trade, Whitehall,
dated this 12th day of May 1865.

(Signed) T H. Farrer,
Secretary.

SCHEDULE.

TABLE I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR FOR SHIPPING, UNSHIPPING, OR TRANSHIPPING GOODS OR PASSENGERS.

	s.	d.
For every vessel under the burden of fifteen tons, per register ton	0	3
For every vessel of the burden of fifteen tons and upwards, per register ton	0	4
For every vessel remaining in the harbour beyond one month, for each additional month, per register ton, every fraction of a month being considered as one month	0	2
All boats entirely open landing or taking on board goods, each time	0	6
All open boats belonging to the harbour engaged in the fishery on the coast, yearly	2	6

TABLE II.—RATES ON ANIMALS AND GOODS SHIPPED, UNSHIPPED, OR TRANSHIPPED WITHIN THE HARBOUR.

	s.	d.
Apples — per bushel	0	0½
Ale — per hogshead	0	2
Ale, bottled — per barrel bulk	0	1
Bark — per ton	0	8
Beef or pork — per ton	0	8
Beef or pork — per barrel	0	1
Blubber — per tun of 252 gallons	1	0
Bone dust — per ton	0	6
Bones of cattle — per ton	0	4
Bottles — per gross	0	2
Bricks — per 1,000	0	8
Casks, empty, not being returned packages — per puncheon	0	1
Other casks in proportion.		
Cattle:—		
Bulls — each	0	3
Cows and oxen — each	0	2
Calves — each	0	0½
Horses — each	0	2
Pigs — each	0	0½
Sheep — per score	0	6
Lambs — per score	0	3
Chalk — per ton	0	3
Chimney cans — per hundred	1	0
Clay, fire, manufactured — per ton	0	6
Clay, common — per ton	0	2
Cloth, haberdashery, &c. — per barrel bulk	0	1
Coaches:—		
Chaises and other four-wheeled carriages — each	0	8
Gigs, carts, and other two-wheeled carriages — each	0	6
Coals, Scotch, English, smithy, and culm — per ton	0	2
Copper — per ton	0	6
Corks — per barrel bulk	0	1

		s.	d.
	Corn:—		
	Wheat and malt - - - - - per ton	0	5
	Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn - - - - - - per ton	0	5
	Crystal - - - - - - per barrel bulk	0	1
	Dissolved bones, and other artificial manure - - per ton	0	5
	Dogs, sporting only - - - - - - - each	0	1
	Drugs - - - - - - per barrel bulk	0	1
	Draff - - - - - - - per ton	0	5
	Earthenware - - - - - - - per crate	0	4
	Eggs - - - - - - per barrel bulk	0	1
	Fish, dried and salted - - - - - - per ton	0	5
	Haddocks, cod, salmon, and all fresh fish not enumerated per barrel bulk	0	1
	Flax - - - - - - - per ton	0	8
	Flour - - - - - - per ton	0	5
	Ditto - - - - - - per barrel	0	0½
	Glass - - - - - - - per barrel bulk	0	1
	Groceries:—		
	Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like - - - per barrel bulk	0	1
	Guano - - - - - - - per ton	0	5
	Gunpowder - - - - - - - per barrel	0	2
	Hardware - - - - - - per barrel bulk	0	1
	Hares and rabbits - - - - - per barrel bulk	0	1½
	Any less quantity - - - - -	0	1
	Hay, if compressed - - - - - - per ton	0	6
	Hay, not compressed - - - - - per ton	0	8
	Hemp - - - - - - - per ton	0	10
	Herrings:—		
	Fresh - - - - - - per cran	0	1
	Cured - - - - - - per barrel	0	1
	Hides:—		
	Ox, cow, or horse, salted or dried - - - per ton	0	8
	Calf skins - - - - - - - per 120	0	4
	Sheep skins - - - - - - - per 120	0	4
	Lamb skins - - - - - - - per 120	0	2
	Hoops of wood - - - - - - per ton	0	6
	Household Furniture:—		
	New - - - - - - - per barrel bulk	0	1
	Belonging to parties changing their residence only per 10 barrels bulk	0	6
	Husbandry utensils - - - - - - per ton	0	6
	Ditto - - - - - - - per barrel bulk	0	1
	Iron:—		
	Bar, bolt, and rod - - - - - - per ton	0	4
	Pig or old - - - - - - - per ton	0	2
	Kelp - - - - - - - - per ton	0	4
	Lead, all kinds - - - - - - - per ton	0	6
	Leather, tanned and dressed - - - - per ton	0	8
	Lime - - - - - - - per ton	0	2
	Loam, or moulding sand - - - - - - per ton	0	2
	Machinery - - - - - - - per ton	0	6
	Machinery - - - - - - per barrel bulk	0	1
	Manure, street - - - - - - - per ton	0	2
	Meal - - - - - - - - per ton	0	5
	Milk - - - - - - - per 3 large pitchers	0	0½
	Musical instruments - - - - - per barrel bulk	0	1

	s.	d.
Oils - - - - - - - per ton	0	6
Ores:—		
Copper, iron, lead, and other ores - - - per ton	0	2
Passengers' luggage, not exceeding 4 barrels bulk, free. All above 4 barrels bulk - - - - - per barrel bulk	0	1
Peats - - - - - - - per ton	0	2
Pitch - - - - - - - per barrel	0	1
Porter - - - - - - per hogshead	0	2
Porter, bottled - - - - - per barrel bulk	0	1
Potatoes - - - - - - per ton	0	3
Poultry, including pigeons, game, &c. - - per barrel bulk	0	1
Any less quantity - - - - - -	0	0½
Rags, linen - - - - - - per ton	0	6
Other rags, old ropes, and the like - - - per ton	0	6
Rape cakes - - - - - - per ton	0	5
Salt - - - - - - - per ton	0	3
Seeds:—		
Flax and rape - - - - - per ton	0	6
Clover - - - - - - per ton	0	6
Garden - - - - - - per ton	0	6
Hemp and canary - - - - - per ton	0	6
Ryegrass - - - - - - per ton	0	6
Skins, seal - - - - - - per 120	0	8
Slates - - - - - - - per ton	0	4
Spirits, foreign and British - - per hogshead of 56 gallons	0	6
Stones:—		
Freestone, pavement, and granite, per ton of 16 cubic feet -	0	2
Scythe stones - - - - - - per ton	0	6
Millstones - - - - - - - each	0	4
Limestones, and other stones - - - - per ton	0	1
Steel - - - - - - - per ton	0	6
Sugar - - - - - - - per ton	0	6
Tallow - - - - - - - - per ton	0	6
Tar - - - - - - - per barrel	0	0¾
Tea - - - - - - - - per chest	0	1
Tiles, roofing - - - - - - per ton	0	4
Tiles, or pipes, for draining - - - - - per ton	0	4
Tin of all kinds - - - - - - per ton	0	6
Tobacco - - - - - - - - per ton	0	8
Treenails under 2 feet in length - - - - per 1,000	0	4
Treenails exceeding 2 feet in length - - - per 1,000	0	8
Turnips - - - - - - - per ton	0	2
Turpentine - - - - - - - per hogshead	0	2
Vegetables - - - - - - - per cartload	0	2
Vinegar - - - - - - - per hogshead	0	2
Vitriol - - - - - - - - per carboy	0	1
Whalebone - - - - - - - - per ton	0	8
Wine - - - - - - - per hogshead	0	4
Wine, bottled - - - - - - per barrel bulk	0	1
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet, calliper measure - - - - -	0	4
Oak or wainscoat, per load of 50 feet do. - - -	0	6
Firewood - - - - - - - - per fathom	0	6
Laths and lathwood, per fathom of 216 cubic feet - -	0	8
Handspokes - - - - - - - - per 120	0	6
Oars - - - - - - - - per 120	1	0

		s.	d.
Wood—*continued.*			
Spars under 22 feet in length, above 2½ and under 4 inches in diameter	per 120	*1*	*0*
Spars 2½ inches in diameter, and under	per 120	*0*	*9*
Spars 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	*2*	*6*
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	*5*	*4*
Spokes of wheel, not exceeding 2 feet in length	per 120	*0*	*2*
Spokes exceeding 2 feet in length	per 120	*0*	*3*
Wedges	per 1,000	*0*	*6*
Pipe staves, and others in proportion	per standard hundred	*0*	*6*
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	*0*	*6*
Wool	per cwt.	*0*	*0½*
Yarn	per ton	*0*	*10*
Zinc	per ton	*0*	*6*

All other goods not particularised above.

Light goods	per barrel bulk	*0*	*1*
Heavy goods	per ton	*0*	*6*

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half cwt., then two and a half cwt. to be rated as a barrel bulk.

TABLE III.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, WAREHOUSES OR SHEDS, HURRIES, HAWSERS, &c.

I.—*Rates for Craneage.*

		s.	d.
For all goods or packages not exceeding 1 ton		*0*	*3*
„ exceeding 1 ton, and not exceeding 2 tons		*0*	*4*
„ „ 2 tons „ 3 tons		*0*	*6*
„ „ 3 tons „ 4 tons		*0*	*8*
„ „ 4 tons „ 5 tons		*0*	*10*
„ „ 5 tons „ 6 tons		*1*	*0*
„ „ 6 tons „ 7 tons		*1*	*2*
„ „ 7 tons „ 8 tons		*1*	*4*
„ „ 8 tons „ 9 tons		*1*	*8*
„ „ 9 tons „ 10 tons		*2*	*0*
„ „ 10 tons		*3*	*0*

II.—*Dues for Weighing Machines.*

For goods weighed 1*d.* for each ton or part of a ton.

III.—*Warehouse or Shed Dues.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the warehouse or sheds, or on the quays of the harbour, for a shorter time than 48 hours, the sum of 2*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

IV.—*Dues for Hurries.*

For each ton of goods of 20 cwt. shipped by means of the hurries, ½*d.* per ton.

V.—*Hawser Dues.*

For every vessel under the burden of 100 tons using any hawser the property of the trustees, 6*d.* per vessel; for every vessel of the burden of 100 tons or upwards, 1*s.* per vessel.

VI.—*Pilotage Dues.*

	s.	*d.*
Coasting vessels, per register ton - - - - -	*0*	*1½*
Oversea vessels - - - - - - - -	*0*	*2*

VII.—*Rates for Planks and Shutes.*

Vessels under the burden of 20 tons to be exempt.

	Per Vessel. *s.*	*d.*
For every vessel of the burden of 20 tons and not exceeding 25 tons -	*0*	*6*
For every vessel exceeding the burden of 25 tons but not exceeding 100 tons - - - - - -	*1*	*0*
For every vessel of the burden of 100 tons and upwards - - -	*2*	*0*

VIII.—*Rates for Towing Vessels.*

	Per Ton. *s.*	*d.*
For every vessel registering 40 tons or upwards, coming into or going out of the harbour - - - - - -	*0*	*1*

Vessels to be towed for the above rates from or to half a mile beyond the present pier-head of the harbour.

TABLE IV.—RATES ON PASSENGERS, &c.

	s.	*d.*
For every passenger landing on or embarking from any of the piers, quays, and jetties from or on any steam vessel, for every time -	*0*	*2*

MEVAGISSEY.

Provisional Order of the Board of Trade, to enable the Trustees of the Pier and Harbour of Mevagissey, in the County of Cornwall, to construct new Piers and Wharves, and extend the Harbour, and for the Maintenance and Regulation of the Piers and Harbour.

Preamble.

Whereas under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the trustees of the Mevagissey Pier, under the Local Act of the fifteenth year of the Reign of King George the Third, chapter sixty-two, made application by a memorial to the Board of Trade for a Provisional Order to incorporate the existing trustees and others, and authorize the construction of additional wharves, quays, piers, and works, and extension of the harbour, and to provide for the dues to be taken for the use of the existing and proposed works, and the money to be raised for the purposes thereof:

And whereas the estimated expenditure on the proposed extension and works is 21,115*l.* 10*s.*:

And whereas the trustees published the advertisements and deposited the documents which, by The General Pier and Harbour Act Amendment Act, they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled the present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purposes of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatsoever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall have effect:—

Act 15 Geo. 3. to cease to operate.

1. The said Local Act shall cease to be of any validity or force whatsoever; but all debts and money due from or to the trustees under that Act, or from or to any persons on their behalf, shall be payable and paid to the trustees incorporated by this Order, and all tolls, rates, duties, and money due or payable by virtue of that Act from or to the trustees thereunder, shall be due or payable from or to the trustees incorporated by this Order, and shall be recoverable from or by the last-mentioned trustees by the same ways and means, and subject to the same conditions, as the same would or might have been recoverable from or by the trustees under that Act, if it had not been repealed.

Incorporation of Trustees.

2. The existing trustees under the said Local Act, and their successors, to be qualified, elected, or appointed as hereafter in this Order provided, shall be and are hereby for the purposes of this Order, incorporated by the name of The Trustees of Mevagissey Harbour, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, ho d, and dispose of land and other property for the purposes of the undertaking, but subject to the restrictions of this Order; and in this Order the term "the trustees" means the trustees of Mevagissey Harbour by this Order incorporated.

Permanent Trustees.

3. The several persons for the time being seised of the freehold or inheritance of the several houses following; namely,—of Carhayes, in the Parish of St. Michael Carhayes; of Trewarthenick, in the Parish of Cornelly; of Penrice, in the Parish of St. Austell; and of Heligan, in the Parish of St. Ewe;—and the Vicar of Mevagissey for the time being, shall be trustees.

Elected Trustees.

4. All persons for the time being seised of the freehold or inheritance of any lands, tenements, or hereditaments (except those possessed of a freehold under a lease granted for a life or lives absolute, with a reserved yearly rent payable out of the same), within the town and parish of Mevagissey, of the clear yearly value of ten pounds above reprizes; and all persons inhabitants of the town of Mevagissey, possessed of or entitled to real or personal estate of the value of five hundred pounds; and all persons inhabitants of the town of Mevagissey rated to the poor rate in the annual sum of fifteen pounds, shall be qualified to be elected trustees.

Number of elected Trustees.

5. The number of elected trustees shall not exceed nine.

Election of Trustees.

6. Whenever a vacancy occurs in the number of the elected trustees, either existing under the said Local Act or elected under this Order, the trustees shall at a special meeting appointed for the purpose elect another qualified person to be a trustee, and so toties quoties.

Appointment of Trustees by Board of Trade.

7. The Board of Trade may appoint two persons to be trustees, and whenever a vacancy occurs in the office of either of those two trustees, by death, resignation, or otherwise, may appoint another person to fill the vacancy, and so toties quoties.

Incorporation of Commissioners Clauses Act.

8. The Commissioners Clauses Act, 1847, except so much thereof as relates to the election and rotation of Commissioners, is hereby incorporated with this Order, and for the purposes of this Order the expression "the limits of the special Act," used in that Act, shall mean the town of Mevagissey.

Quorum of Trustees.

9. The quorum of a meeting of the trustees shall be seven.

Annual meeting.

10. The annual meeting of the trustees shall be held between the 10th of April and the 10th of May, both exclusive.

No Trustee to have any place of profit.

11. Any person who at any time after his appointment or election as a trustee accepts or continues to hold any office or place of profit under this Order shall thenceforth cease to be a trustee, and his office shall thereupon become vacant.

12. All

Existing works and property vested in the incorporated Trustees.

12. All the existing piers, quays, wharfs, docks, and other works in and near the harbour of Mevagissey, and the ground and soil thereof, and all sums of money, rates, tolls, duties, and other property, rights and powers, vested in or belonging to the existing trustees, are hereby transferred to and vested in the trustees incorporated by this Order, for the purposes of this Order, and possession thereof may be taken or recovered accordingly.

Power to take specified lands by agreement.

13. For the purposes of the works authorized by this Order, the trustees may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plan as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

14. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase or taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to make works.

15. Subject to the provisions of this Order, the trustees may, on the lands vested in or purchased or taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and section, make, execute, and maintain the works shown on the deposited plan, and herein-after described.

Description of principal works.

16. The works authorized by this Order comprise the following:—

(1.) A breakwater, containing a surface area of about two acres;—the sea side extending from the outer part of a rock called Benny's Island to the outer part of a rock called the Black Rock, about 480 feet long;—the harbour side extending from that part of the eastern arm and wharf of the present pier which adjoins the Gurnets to the Black Rock, about 480 feet;—and an arm and wharf about 400 feet long, extending from the Black Rock (and being a continuation of the said breakwater) in a southerly direction:

(2.) An extension of the eastern end of the present northern wharf for about 165 feet, so as to connect it with the eastern arm and wharf of the present pier:

(3.) A short arm about 219 feet in length, extending in a north-easterly direction from a point called Point Stuckham:

(4.) A wharf about 120 feet long, to connect the present northern wharf with the jetty called the Jetty Head:

(5.) A wharf about 99 feet long to connect the said jetty with the present western wharf:

(6.) A wharf extending along the western side of the harbour under the cliff from the base of the said short arm until it meets the western wharf of the present pier, near the doorway called the Quay Door, about 849 feet in length.

Incidental works.

17. The trustees may also make, execute, and maintain the following works:—

(1.) All piers, jetties, landing places, roads, steps, approaches, embankments, and other works and conveniences connected with the wharves, quay, pier, or breakwater aforesaid, for the reception and accommo-

dation of vessels and their cargoes, and for the embarking and landing of persons, fish, animals, and goods:

(2.) The sufficient and effectual dredging, scouring, cleansing, and removing of any banks of sand or mud within or adjoining any of the works aforesaid, or in the approach to the harbour.

Removal of existing works.

18. The trustees may, from time to time, on the completion of the aforesaid extension of the northern wharf, and such portions of the breakwater and outer arm adjoining the said breakwater as are marked on the plan C to D and E to F, remove such portions of the present works as they deem necessary for the convenience and improvement of the inner harbour, and use or dispose of the materials thereof.

Blasting, Dredging, &c.

19. The trustees may blast, cut, dig, dredge, scour, cleanse, and remove the rocks, sand, clay, mud, and other substances within the limits of the piers and harbour vested in them by this Order, and to be constructed by them under the powers thereof, and of the approaches thereto.

Trustees may levy dues.

20. With respect to dues the following provisions shall have effect:—

(1.) From the commencement of the operation of this Order, until the completion of such portions of the breakwater and extension aforesaid as are marked on the plan from C to D, and from E to F, and from G to H, the trustees may demand, receive, and recover, for the use of the existing works, and all additional works constructed within the limits of the present piers or harbour, on all vessels, fish, goods, animals, merchandise, and things resorting to and landing at, or loaded or unloaded at or using the same, one moiety or half part of the dues specified in Schedules A. and B. to this Order, and the full dues specified in Schedule C. to this Order.

(2.) If, however, the contract for the execution of those works is not entered into within three years after the commencement of the operation of this Order, the Board of Trade may reduce the amount of the said dues (except the dues specified in section 1. of Part I. and section 8. of Part II. of the said Schedule A.) in such proportion as they think fit, such reduction to continue until the trustees have entered into such contract, such dues, nevertheless, not to be so reduced as to give a less amount in the whole than would be obtained from the dues now taken under the said Local Act.

(3.) After the completion of such portions of the breakwater and extension aforesaid as are marked on the plan from C to D, and E to F, and from G to H, (of which notice shall be given by the trustees in the London Gazette,) the trustees may demand, receive, and recover, in respect of all vessels, goods, animals, merchandise, and things resorting to and landing at, or loaded or unloaded at or using the present piers or harbour, or the wharves, quays, piers, or other works authorized to be constructed by this Order within or beyond the limits of the present pier or harbour, the full rates, dues, and duties specified in Schedules A, B, C, and D to this Order.

(4.) In order that the trustees may levy the full dues specified in Schedules A, B, C, and D to this Order, it shall not be necessary for the

the trustees to commence any other works than the breakwater and outer arm adjoining, and the extension of the northern wharf aforesaid.

Certain fishing vessels under stress of weather exempt from dues.

21. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour and works authorized by this Order, or of any part of the harbour and works for the time being vested in the trustees, and not breaking bulk while making use thereof, be exempt from dues leviable under this Order.

Limits of Harbour-master's authority.

22. The limits within which the authority of the trustees and of their harbour master may be exercised for the levying of dues authorized by this Order shall be the old pier and the new piers and harbour, and the works and lands vested in the trustees adjoining and near to the old pier and new piers and harbour; and the limits within which the authority of the trustees and of the harbour master may be exercised, for the regulation of the harbour and of the anchorage of vessels lying off the harbour, and for preventing vessels from in any way obstructing the shooting of seans or injuring them when in the water, shall extend to and include the harbour and Mevagissey Bay from high-water mark to within a straight line drawn from low-water mark at Chapel Point, to low-water mark at Penare Point, as laid down on the Admiralty chart.

Application of dues, &c.

23. The dues received under this Order, and all sums of money in the nature of revenue or income vested in the trustees by this Order, shall be applied by the trustees in the manner and order following, and not otherwise:

(1.) In payment to the person or persons the possessor or possessors of Nanswhydden and manors of Mevagissey, in the county of Cornwall, of the yearly rent-charge of ten pounds, which is now payable to him or them under the said Local Act, such rent-charge to be paid by two equal half-yearly payments on the twenty-fourth day of June and the twenty-fifth day of December in every year.

(2.) In advancing and paying on account of capital the expenses of applying for and obtaining this order, and preparatory or incident thereto.

(3.) In paying the expenses of the maintenance, management, and regulation of the existing piers and the new works authorized by this order, and incident thereto.

(4.) In paying the interest of the money borrowed and for the time being owing under the authority of the said Local Act.

(5.) In paying the interest of money borrowed under the authority and for the purposes of this Order, and providing the sinking fund required by this Order.

(6.) In or towards execution of the works by this Order authorized, and in further improving the existing harbour and works for the time being.

(7.) Any surplus of the revenue of the trustees shall be applied in paying off the principal sum then owing on the credit of the said undertaking.

Power to borrow.

24. The trustees may borrow at interest on the credit of the whole dues leviable by them, and of the property for the time being vested in them, any sum or sums of money not exceeding in the whole the sum of twenty-one thousand five hundred pounds.

Re-borrowing.

25. The trustees may from time to time re-borrow any money borrowed under this Order and discharged otherwise than by means of the sinking fund.

Existing mortgages.

26. Nothing in this Order shall affect any mortgage granted by the trustees before the commencement of the operation of this Order, and then subsisting; and every such mortgage, while subsisting, shall have priority over any mortgage granted under this Order.

Power to borrow to pay off money owing under Local Act.

27. For the purpose of enabling the trustees to pay off the principal sums, amounting to two thousand eight hundred and ten pounds, now owing under the said Local Act, and of getting rid of the priority attached thereto, they may re-borrow the said sum of two thousand eight hundred and ten pounds in such sums and at such times and on such terms as they think fit, and may secure the same, with interest, by mortgages of the dues leviable by and property vested in them under this Order, and such mortgages shall rank pari passu with the mortgages to be granted for securing the said sum of twenty-one thousand five hundred pounds or any part thereof, and any sums of money raised by the trustees under this power shall be applied only in paying off principal moneys owing under the said Local Act, and such principal moneys may be paid off by the trustees in such order, proportions, and manner as the trustees think fit.

Receiver.

28. The mortgagees of the trustees may enforce the payment of arrears of interest, or arrears of principal and interest, due on their respective mortgages, by the appointment of a receiver, and the amount to authorize a requisition for a receiver shall be one thousand pounds.

Trustees to apply money.

29. The trustees shall apply the said twenty-one thousand and five hundred pounds, and all money borrowed on account thereof under this Order, and all principal sums arising from the sale of superfluous lands transferred to them by this Order, in the manner and order following, and not otherwise:—

(1.) In paying the expenses of and incident to the applying for and making of this Order, or in repaying to the revenue account of the trustees the sum of money advanced for this purpose:

(2.) In purchasing lands for and constructing the several works by this Order authorized and incident thereto:

(3.) In and towards executing any additional or other works which the trustees may think expedient for carrying into effect the objects of this Order.

Reduction of dues.

30. After the completion of all the works authorized by this Order, and after payment of all principal sums of money owing by the trustees under the said Local Act, and of all principal sums borrowed for the purposes of this Order, only such rates, dues, and duties shall be levied by the trustees as shall be authorized by the Board of Trade, and be sufficient for the punctual payment of the aforesaid annual rent-charge of ten pounds, the maintenance of the works, the providing all necessary materials for carrying on the business of the port

port within the limits of the works vested in the trustees, and for the management of the pier and harbour, and incident thereto.

31. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, namely, 16, 17, 18, 19, 25, and 26, shall not be incorporated with this Order. Parts of Harbours Clauses Act not incorporated.

32. The trustees may lay down such tramways, and provide such waggons, carts, barrows, steam engines, steam and other vessels, steam and other dredges, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery as they think necessary for the purposes of the port and harbour, and may demand and receive for the use of the same such sums as they think reasonable. Steam vessels, lighters, &c.

33. The trustees shall have the appointment of meters and weighers within the limits of the harbour and pier and the works and lands vested in them adjoining or near to the harbour and pier. Meters and weighers.

34. Any byelaws made under this Order, and The Harbours, Docks, and Piers Clauses Act, 1847, (for the purposes of which Act this Order shall be deemed the Special Act,) shall not come into operation until allowed and confirmed by the Board of Trade, which allowance shall be sufficient as confirmation for all purposes. Byelaws.

35. The trustees shall not purchase for extraordinary purposes land exceeding in extent in the whole two acres. Lands for extraordinary purposes.

36. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, through, and from the pier and harbour and works for the time being vested in the trustees, by land, and with their vessels and otherwise, without payment. Custom-house officers exempt from tolls.

37. This Order may be cited as The Mevagissey Harbour Order, 1865. Short title.

Board of Trade, Whitehall.
Dated this day of 1865.

Secretary.

SCHEDULE A.

PART I.

DUES FOR BOATS AND VESSELS ENTERING OR USING THE HARBOUR OR PIERS, OR WORKS VESTED IN THE TRUSTEES, AT ANY TIME DURING THE YEAR.

| | | |

		s.	d.
	day of December in each year, at the rate of double the rates respectively chargeable by the foregoing scale as aforesaid, exceeding twenty feet in length at the rate of four times the rates respectively chargeable by the foregoing scale as aforesaid.		
	3. For every open boat and fishing boat, or fishing vessel, wholly or partially decked, or yacht belonging to the port, carrying a trammel net, or any other net not exceeding thirty fathoms in length and four fathoms in depth, and carrying only one of each of such nets (in addition to the rates respectively chargeable by the foregoing scale), a yearly sum to be considered as due on the thirty-first day of December in each year, at the rates following:—		
	For a trammel net - - - - -	2	0
	For any other net not exceeding fifty fathoms in length and four fathoms in depth - - - - -	1	0
	A boat or vessel carrying one of each of such nets to pay both the last-mentioned yearly sums.		
	Large Seans.		
	4. For every large pilchard sean belonging to the port (to consist of not more than one sean boat, one follower and one lurker, carrying any description of sean or seans), the yearly sum (to be considered as due on the thirty-first day of December in each year) of - - - - - -	63	0
	5. For every person employed or acting as a seaner on board such large sean boat, follower and lurker, or other boat belonging to such sean, the yearly sum (to be considered as due on the thirty-first day of December in each year) of - - -	2	6
	Which yearly sum of two shillings and sixpence the master seaner, or agent, or owner of every such sean and boats, is hereby authorized to deduct and retain out of the first wages or share of every such person, and for the payment of which the owner or owners of such sean and boats are hereby made responsible.		
	Small Seans.		
	6. For every small pilchard sean belonging to the port (to consist of not more than one sean boat, one follower and one lurker, carrying any description of pilchard, mackerel, herring, or ground sean or seans), the yearly sum (to be considered as due on the thirty-first day of December in each year) of - -	32	6
	7. For every small sean belonging to the port (to consist of not more than one sean boat and one follower, carrying mackarel, herring, or ground seans only), the yearly sum (to be considered as due on the thirty-first day of December in each year) of -	16	0
	8. Every additional boat belonging to such large or small seans to be paid for according to the length at the rate first before mentioned.		
	The trustees may, from time to time, if and when they think expedient, levy, receive, and recover all or any or either of the before-mentioned yearly sums by four equal quarterly payments on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year, notwithstanding that the same are herein-before expressed to be considered as due on the thirty-first day of December in each year.		

	s.	d.
9. For every open boat not belonging to the port, for each day of twenty-four hours, or part thereof - - - - -	1	0
For every additional successive day of twenty-four hours, or any part thereof - - - - - - -	0	2
10. For every fishing boat or fishing vessel or yacht, wholly or partially decked, not belonging to the port, for each day of twenty-four hours, or any part thereof - - - -	2	0
For every additional successive day of twenty-four hours, or any part thereof - - - - - - -	0	4
11. For every open boat and fishing boat, or fishing vessel wholly or partially decked, yacht and sean, not belonging to the port, if compounded for, the following proportions (payable in advance) of the rates respectively chargeable for one year for similar boats, vessels, or seans, belonging to the port, namely :—		
For not exceeding twelve months, one-half:		
For not exceeding six months, one-third:		
For not exceeding three months, one-quarter:		
And every such composition shall date from one of the usual quarter days.		
Every open boat and fishing vessel of any description belonging to the port shall have her name and number painted in her stern, in letters not less than two inches in length, and her number shall be regulated by the harbour master in case she has no number appointed by Her Majesty's Customs.		

PART II.

Dues on other Vessels entering or using the Pier or Harbour, or Works vested in the Trustees.

Tonnage Rates.

Outward Charges.

	s.	d.
1. For every vessel clearing for any port or place, per register ton -	0	4

Inward Charges.

	s.	d.
2. For every vessel with a cargo from any port or place, per register ton - - - - - - - -	0	4
3. For every vessel entering the harbour for the sole and exclusive purpose of delivering or unloading ballast, per register ton -	0	2
4. For every vessel, light or in ballast, entering the harbour for shelter or windbound, per register ton - - - -	0	2
5. For every vessel in cargo entering the harbour for shelter or windbound, per register ton - - - - - -	0	3
6. For every lighter or vessel landing or shipping goods or ballast from or to any vessel not entering the harbour, for each trip, per register ton - - - - - - - - -	0	2
7. For every boat entirely open, landing or taking on board goods or ballast from or to any vessel in the bay, not entering the harbour, for each trip - - - - - - -	0	6
8. For every vessel which shall remain in the pier or harbour, or lie alongside or use any wharf, jetty, breakwater, or landing-place vested in the trustees, for any longer time than twenty-one days, the additional rate for each week or part of a week, per register ton of - - - - - - - -	0	1

PART III.

Ballast Dues.

	s.	d.
For every ton of ballast discharged, landed, shipped, or transhipped -	0	6
Every vessel discharging her ballast for the purpose of being overhauled or repaired, provided a notice in writing to that effect be first given to the harbour master, only to pay on discharging, and not on taking in the same quantity.		

SCHEDULE B.

	s.	d.
Abbathaw lime, burnt, per cwt. - - - - - - -	0	1
„ ground, per cwt. - - - - - -	0	2
Acid water, acid vegetable or mineral, per pipe - - - -	1	0
„ „ per hogshead - - -	0	10
„ „ per barrel - - -	0	8
„ „ per kilderkin - - -	0	6
„ „ per firkin - - -	0	4
„ „ per jar - - -	0	2
„ „ per cwt. - - - -	0	4
„ in quart bottles, per dozen - - - - -	0	2
„ in pint bottles, per dozen - - - - -	0	1
Acorns, per ton - - - - - - - - -	1	8
Agates, per package - - - - - -	1	6
Alabaster, rough, per ton - - - - - -	1	8
„ worked, per cwt. - - - - -	1	0
Ale, beer, porter, cider, or perry, per butt or pipe - - -	1	6
„ „ „ per hogshead - - -	0	9
„ „ „ per barrel - - - -	0	4
„ „ „ per kilderkin - - -	0	3
„ „ „ per firkin - - - -	0	2
„ „ „ per jar - - - -	0	1
„ in quart bottles, per dozen - - - -	0	2
„ in pint bottles, per dozen - - - -	0	1
Alkali, per ton - - - - - - -	3	4
Alkanet root, per cwt. - - - - - - -	0	4
Almonds, per ton - - - - - - -	3	4
„ in boxes or barrels, per cwt. - - -	0	6
Aloes, per cwt. - - - - - - -	0	6
Alum, per cwt. - - - - - - -	0	4
Aluminium, per cwt. - - - - - -	0	4
Alva Marina, or sea grass, per ton - - - - -	3	4
Amber and beads, per cwt. - - - - - -	2	0
„ rough, per cwt. - - - - -	0	4
Ambergris, per cwt. - - - - -	2	0
Anacardium, or the cashew nut, per cwt. - - -	0	4
Anchors, per cwt. - - - - - -	0	4
Anchor stock, per foot run - - - - - -	0	2
Anchovies, per cwt. - - - - - -	0	6
Angelica, per cwt. - - - - - -	0	4

	s.	d.
Animals:		
Asses, each	1	0
Boars, each	1	0
Bulls, each	2	0
Calves, each	0	6
Cows, each	1	0
Deer, each	2	0
Dogs, each	0	6
Foxes, each	0	6
Goats, each	0	6
Hares, per dozen	0	6
Horses, each	2	0
„ under 12 hands high, each	1	0
Lambs, each	0	2
Mules, each	1	6
Oxen, each	1	6
Pigs, each	0	6
Rabbits, per dozen	0	4
Sheep, each	0	4
Wild, large, each	10	0
„ small, each	5	0
Stuffed, half the rate of when living.		
Annatto, per cwt.	0	8
Aniseed, per cwt.	0	4
Antimony, per cwt.	0	4
Antimony ore, per ton	3	4
Anvils, per cwt.	0	2
Apples, per cwt.	0	2
Argol, per cwt.	0	4
Arrowroot, per cwt.	0	4
Arsenick, per cwt.	0	4
Arac. *See* Spirits.		
Asafœtida, per cwt.	0	6
Asbestos, per cwt.	0	4
Ashes:		
Barilla, per cwt.	0	2
Black, per cwt.	0	2
Bleaching, per cwt.	0	4
Common Irish, per cwt.	0	2
Pearl and Pot, per cwt.	0	4
Soda, per cwt.	0	2
Asphaltum, per cwt.	0	2
Bacon, pork, or hams, per cwt.	0	4
Bagging and bags, per cwt.	0	4
Bales, boxes, cases, casks, trusses, or other packages of cotton, linen, or woollen goods, per cwt.	0	4
Balsam, per cwt.	1	0
Bamboos. (See Canes, Ground Rattans.)		
Bananas, per cwt.	0	6
Barilla, per ton	3	4
Bark:		
Not specified, per ton	3	4
Tanner's, per ton	3	4
Medicinal, per cwt.	1	0
Barrels or casks, empty, per pipe	0	2
„ „ per hogshead	0	1½
„ „ per barrel	0	1
„ „ per kilderkin	0	0½
„ „ per firkin	0	0½

		s.	*d.*
	Baskets, empty:		
	Maunds, or hampers, per dozen	*0*	*4*
	Ballast baskets, per dozen	*0*	*2*
5	Fish baskets, or pads, per dozen	*0*	*2*
	Large market baskets, per dozen	*0*	*2*
	Small market baskets, per dozen	*0*	*1*
	Basket rods, per 1,000	*0*	*4*
	Bass rope, per cwt.	*0*	*3*
10	Beads. (See Bugles.)		
	Beans. (See Grain.)		
	Bedsteads:		
	Wood, each	*0*	*6*
	Iron, each	*0*	*4*
15	Bedposts:		
	Wood, per set	*0*	*4*
	Iron, per set	*0*	*2*
	Beef, salted or fresh, per cwt.	*0*	*4*
	Beehives, straw, per dozen	*0*	*6*
20	Beer. (See Ale.)		
	Beer, spruce, per gallon	*0*	*0*½
	Bees' wax, per cwt.	*0*	*3*
	Betel nuts, per ton	*3*	*4*
	Bellows:		
25	Common, per dozen	*0*	*6*
	Smiths', small, each	*0*	*6*
	Ditto, large, each	*1*	*0*
	Bell metal, per cwt.	*0*	*4*
	Benjamin. (See Gum.)		
30	Bergamot. (See Essences.)		
	Berries:		
	Not specified, per cwt.	*0*	*2*
	Bay, per cwt.	*0*	*4*
	Juniper, per cwt.	*0*	*4*
35	Yellow, per cwt.	*0*	*4*
	Billiard tables, each	*5*	*0*
	Birds:		
	Ducks, per dozen	*0*	*6*
	Fowls, per dozen	*0*	*4*
40	Geese, per dozen	*0*	*8*
	Grouse, per dozen	*0*	*6*
	Guinea fowls, per dozen	*1*	*0*
	Partridges, per dozen	*0*	*6*
	Pheasants, per dozen	*1*	*0*
45	Pigeons, per dozen	*0*	*4*
	Quails, per dozen	*0*	*6*
	Turkeys, each	*0*	*2*
	Small, not specified, per dozen	*0*	*2*
	Large, not specified, each	*0*	*6*
50	Biscuit, per cwt.	*0*	*2*
	Blacking, per cwt.	*0*	*2*
	Black Jack, per ton	*0*	*6*
	Black Lead. (See Lead.)		
	Blocks:		
55	Heel, per gross	*0*	*4*
	Last, per dozen	*0*	*2*
	Ship, per dozen	*0*	*2*
	Blubber, per cwt.	*0*	*2*
	Blue, per cwt.	*0*	*4*

	s.	d.
Bobbins, per cwt.	0	4
Bones and bone-dust, per ton	1	0
Books, per cwt.	1	0
Boots and shoes, per cwt.	1	0
Boracic acid, per cwt.	0	4
Borax, per cwt.	0	4
Bottles, empty, glass or stone, quarts, per gross	2	0
Ditto ditto pints, per gross	1	0
„ in crates or other packages, per cube foot	0	1
Bowls, wood, per dozen	0	4
Boxes and cases, empty, small, each	0	1
„ „ large, each	0	2
Boxes and cases of goods not specified, per cubic foot	0	1
Boxes for wheels, per cwt.	0	4
Bran. *See* Grain.		
Brandy. *See* Spirits.		
Brass (new), per cwt.	0	4
„ (old), per cwt.	0	2
Bread	0	2
Bricks:		
Common, per 1,000	1	8
Bath and fire, per 1,000	2	6
Slabjacks, per dozen	0	3
Brimstone, per cwt.	0	3
Bristles, per cwt.	1	0
Bronze, per cwt.	0	4
Brooms:		
Birch, per gross	0	4
Hair, cayhair, whalebone, or whisk, per dozen	0	4
Broom and brush handles, per gross	0	6
Brushes, hair, rush, or whalebone, per dozen	0	4
Brush heads and stocks, per dozen	0	2
Bugles and beads, per cwt.	1	0
Bullion in packages, per cube foot	0	2
Bulrushes, per ton	1	8
Buoys, per cwt.	0	4
Butter, per cwt.	0	4
Cables:		
Hempen or coil, per cwt.	0	3
Iron, per ton	3	4
Cabooses, per cwt.	0	4
Calamine, per cwt.	0	2
Calaminaris lapis, per cwt.	0	2
Calves velves, per cwt.	0	4
Camel's hair, per cwt.	0	6
Camphor, per cwt.	1	0
Candles:		
Tallow, per cwt.	0	3
Wax, per cwt.	1	0
Not specified, per cwt.	0	4
Cane juice. *See* Molasses.		
Canella alba, per cwt.	0	6
Canes:		
Common rattan, per 100	0	2
Ground rattan or walking sticks, per 100	0	4
Cannon. *See* Guns.		
Cantharides, per cwt.	1	0
Canvas, per cwt.	0	4

		s.	*d.*
	Caoutchouc. *See* India Rubber.		
	Capers, per cwt.	*0*	*6*
	Capillaire, per gallon	*0*	*1*
	Carboys:		
5	Full, per cwt.	*0*	*4*
	Empty, each	*0*	*2*
	Cards, wool, per dozen	*0*	*1*
	Cardamoms, per cwt.	*0*	*8*
	Carpets or carpeting, per cwt.	*0*	*4*
10	Carraway seeds, per cwt.	*0*	*3*
	Carriages:		
	2 wheels, each	*5*	*0*
	4 wheels, each	*6*	*0*
	4 wheels, close, each	*8*	*0*
15	4 wheels, coaches, each	*10*	*0*
	Railway, each	*20*	*0*
	Perambulators, each	*0*	*6*
	For guns, each	*5*	*0*
	Wheels, large, per pair	*1*	*0*
20	Wheels, small, per pair	*0*	*8*
	Carrots, per ton	*0*	*10*
	Carts, trucks, or waggons:		
	2 wheels, each	*2*	*0*
	4 wheels, each	*4*	*0*
25	Wheels, large, per pair	*1*	*0*
	Wheels, small, per pair	*0*	*8*
	Hand, each	*1*	*0*
	Cases. *See* Boxes.		
	Casks. *See* Barrels.		
30	Cassia, per cwt.	*0*	*6*
	Caster beans, per cwt.	*0*	*4*
	Catechu, per cwt.	*0*	*4*
	Caviare, per cwt.	*0*	*4*
	Cement, per cwt.	*0*	*2*
35	Chaffcutters. *See* Implements.		
	Chain (not specified), per cwt.	*0*	*2*
	Chairs:		
	Mahogany, rosewood, &c., per dozen	*2*	*0*
	Cane, garden, or camp stool, per dozen	*1*	*0*
40	Chalk:		
	Common, per ton	*1*	*8*
	French, per ton	*3*	*4*
	Charcoal, per ton	*3*	*4*
	Chassum, per cwt.	*0*	*4*
45	Cheese, per cwt.	*0*	*4*
	Cherries, per cwt.	*0*	*4*
	Chesnuts, per cwt.	*0*	*2*
	Chimney pots:		
	Earthenware, per dozen	*1*	*0*
50	Metal, per dozen	*1*	*0*
	Chicory, per cwt.	*0*	*4*
	Chillies, per cwt.	*0*	*6*
	China root, per cwt.	*0*	*6*
	„ ware, per cwt.	*0*	*4*
55	„ clay, per ton	*0*	*6*
	Chiranga root, per cwt.	*1*	*0*
	Chirayita, per cwt.	*0*	*8*
	Chirt stones, per ton	*1*	*0*
	Chocolate, per cwt.	*0*	*6*

	s.	d.
Cider. (See Ale).		
Cigars, per cwt.	2	0
Cinders, per ton	0	10
Cinnabar, per cwt.	1	0
Cinnamon, per cwt.	1	0
Citron:		
In salt, per cwt.	0	4
Preserved, cwt.	0	6
Clay:		
Common, per ton	0	6
Potters', per ton	0	6
Clocks, per dozen	2	0
„ 8-day, in case, each	0	6
Cloth, woollen, linen, or cotton, per cwt.	0	4
Clogg soles, per cwt.	0	2
Clogs, per cwt.	0	2
Cloves, per cwt.	1	0
Coals, per ton	0	10
Cod roe, per cwt.	0	4
Cobalt, per cwt.	0	1
Cochineal, per cwt.	0	6
Coculas Indicus, per cwt.	0	6
Cocoa, per cwt.	0	4
Cocoa nuts, per hundred	1	0
Cocque de Perle, per cwt.	0	4
Coffee:		
Raw, per cwt.	0	3
Roast, per cwt.	0	4
Coir, per cwt.	0	3
Coke, per ton	0	10
Coliquintida, per cwt.	0	8
Colouring for porter, per gallon	0	0½
Columba root, per cwt.	0	4
Colours:		
Painters', mixed, per cwt.	0	2
„ dry, per cwt.	0	4
Copper, per cwt.	0	4
Furnaces and stills, per cwt.	0	4
Copperas, per cwt.	0	4
Coquilla nuts, per cwt.	0	4
Coral, per cwt.	2	6
Cordage, per cwt.	0	3
Cordials, per gallon	0	1
Bottles, per dozen	0	2
Cork, per cwt.	0	3
Corks, bottle, per 10 gross	0	3
Coriander seed, per cwt.	0	3
Corn. (See Grain).		
Cornelians. (See Grain).		
Cotton:		
Raw, per cwt.	0	3
Manufactured, per cwt.	0	4
Cowhage, per cwt.	0	6
Cowries, per cwt.	0	3
Cradles, each	0	2
Cranberries, per pipe or puncheon	2	0
„ per hogshead	1	0
„ per barrel or anker	3	8
„ per keg or half anker	0	6
Cream of tartar, per cwt.	0	4

		s.	d.
	Crease, earthenware, per dozen	0	1
	Crystal, rough, per ton	5	0
	„ beads, per cwt.	1	0
5	Cubebs, per cwt.	0	6
	Culm, per ton	0	10
	Cummin seed, per cwt.	0	4
	Currants, per cwt.	0	4
	Dates, per cwt.	0	6
10	Deals. (See Wood).		
	Diamonds and precious stones, per package	5	0
	Divi Divi, per ton	3	4
	Dissolved bones, per ton	1	0
	Dogs. (See Animals).		
15	Down, eider, per cwt.	1	0
	Dragon's blood, per cwt.	0	6
	Drapery in bales, per cwt.	0	4
	Dripstones, per cwt.	0	2
	Drugs (not specified) per cwt.	0	6
20	„ in casks, hampers, or boxes, per cubic foot	0	2
	Dyes, per cwt.	1	0
	Dung. (See Manure).		
	Earth:		
	Common, per ton	0	6
25	Black, per ton	1	0
	Brown, per ton	1	0
	Red, per ton	1	0
	Yellow per ton	1	0
	Earthenware, coarse, loose, per potters' dozen	0	4
30	In crates, barrels, or boxes, per foot	0	$0\frac{1}{4}$
	Eau-de-Cologne, per case	2	0
	„ per half case	1	0
	Eggs, per 100	0	4
	Emery, per cwt.	0	2
35	Stones, per cwt.	0	2
	Empty bags and sacks (not returned), per cwt.	0	4
	Engines, per ton	5	0
	Epsom salts, per cwt.	0	4
	Essences, per cwt.	2	0
40	Essential oils, per cwt.	1	0
	Euphorbium, per cwt.	0	6
	Extract of oak bark, per cwt.	0	4
	„ medicinal, per cwt.	1	0
	Fans, in boxes or cases, per cubic foot	0	2
45	Feathers, bed, per cwt.	0	6
	„ ostrich, in packages, per cubic foot	0	2
	Felt, per cwt.	0	3
	Figs, per cwt.	0	4
	Filtering stones, per cwt.	0	2
50	Fire-arms, per cwt.	0	4
	Fish, fresh:		
	Mackarel, per 100	0	1
	Herrings, per 1,000	0	5
	Pilchards, per 1,000	0	4
55	Not specified, per cwt.	0	2
	To be cured in the town		free.
	Refuse or caff, per ton	0	6
	Fresh fish taken and landed by boats or vessels which either pay the annual rates mentioned in Schedule A, Part I.,		
60	or compound for the use of the harbour, are exempt from fresh fish dues.		

	s	d.
Fish, cured:		
Pilchards, per hogshead	1	0
„ per half hogshead	0	6
„ small barrels in proportion.		
Other fish, per cwt.	0	2
From other ports, and brought to Mevagissey for exportation, one half.		
Fishing lines, per cwt.	0	4
„ hooks, per cwt.	0	6
Flock, per cwt.	0	2
Flax:		
Rough, per ton	3	4
Hanks, per dozen	0	1
Floor cloth, per cwt.	0	4
Flour. (See Grain.)		
Flower roots, plants or trees in packages, per cubic foot	0	1
Frankincense, per cwt.	0	6
Fruit:		
Green (not specified), per cwt.	0	2
Dried, per cwt.	0	4
Preserved, per cwt.	0	6
Fuel, patent, per cwt.	0	2
Fuller's earth, per ton	1	0
Furniture (not specified), per cubic foot	0	1
Furs, per cwt.	0	8
Galangal, per cwt.	0	6
Galbanum, per cwt.	0	6
Galls, per cwt.	0	4
Gamboge, per cwt.	0	6
Gates, iron or wood, each	0	2
Gelatine, per cwt.	0	4
Geneva. (See Spirits.)		
Gentian root, per cwt.	0	4
Gin. (See Spirits.)		
Ginger, per cwt.	0	4
Gingerbread, per cwt.	0	4
Ginseng, per cwt.	0	4
Glass, in packages, per cubic foot	0	1
Glauber salts, per cwt.	0	4
Glue, per cwt.	0	2
Grain:		
Wheat, per quarter	0	2
Barley, per quarter	0	1½
Oats, per quarter	0	1
Rye, per quarter	0	1
Malt, per quarter	0	3
Beans and peas, per quarter	0	2
Indian corn, per quarter	0	1
Ditto meal, per cwt.	0	1
Barley meal, per cwt.	0	1
Oatmeal, per cwt.	0	2
Flour, per cwt.	0	1
Bere and bigg, per cwt.	0	1
Bran, per cwt.	0	1
Goat's hair, per cwt.	0	4
Granilla, per cwt.	0	6
Grapes, per cwt.	0	4
Grass, foreign, per cwt.	0	4

		s.	*d.*
	Grates and stoves, per cwt.	*0*	*4*
	Gravel, not bought as ballast, per ton	*0*	*2*
	Grease or greaves, per cwt.	*0*	*2*
5	Groats, per cwt.	*0*	*2*
	Groceries (not specified), per cwt.	*0*	*4*
	Guano, per ton	*1*	*0*
	Guinea grains, per cwt.	*0*	*6*
	Gums (not specified), per cwt.	*0*	*6*
10	Gunpowder, per cwt.	*0*	*4*
	Guns, iron, per ton	*3*	*4*
	Brass, per ton	*6*	*8*
	Composition, per ton	*6*	*8*
	Steel	*6*	*8*
15	Gutta percha, per cwt.	*0*	*4*
	Haberdashery and hosiery:		
	In bales, per cwt.	*0*	*4*
	In boxes, per cubic foot	*0*	*2*
	Hair, per cwt.	*0*	*4*
20	Hanks for sails, per gross	*0*	*6*
	Hardware (not specified), per cwt.	*0*	*3*
	Harrows, each	*0*	*4*
	Hartall, per ton	*5*	*0*
	Hats, in packages, per cubic foot	*0*	*1*
25	Hay or grass, per ton	*1*	*0*
	Hay rakes:		
	Hand, per dozen	*0*	*2*
	Horse, each	*1*	*0*
	Hemp, per ton	*3*	*4*
30	Hides:		
	Wet, per ton	*1*	*8*
	Dry, per ton	*3*	*4*
	Fleshings, per cwt.	*0*	*2*
	Roundings or glue pieces, per cwt.	*0*	*2*
35	Hilts:		
	Pick, per gross	*1*	*0*
	Shovels, per dozen	*0*	*2*
	Hogsheads, empty. (*See* Barrels.)		
	Pilchard, empty, each	*0*	*1*
40	Hones, per cwt.	*0*	*4*
	Honey, per cwt.	*0*	*6*
	Hoofs, per cwt.	*0*	*2*
	Hoops:		
	Iron, per cwt.	*0*	*2*
45	Wooden, per bundle	*0*	*0*½
	For mast or white hoops, per dozen	*0*	*2*
	Hops, per cwt.	*0*	*4*
	Horns, tips, or plates, per cwt.	*0*	*6*
	Horse shoes, per cwt.	*0*	*2*
50	Hurdles, wood or iron, per dozen	*0*	*2*
	Ice, per ton	*0*	*6*
	Implements of husbandry (not specified), per cwt.	*0*	*2*
	India rubber, per cwt.	*0*	*6*
	Indigo, per cwt,	*1*	*0*
55	Ink:		
	Liquid, per gallon	*0*	*1*
	Solid, per cwt.	*0*	*6*
	China or Indian, per cwt.	*1*	*0*
	Inkle, per cwt.	*0*	*6*

	s.	*d.*
Ipecacuanha, per cwt.	*1*	*0*
Iron:		
Pig, bar, bolt, and rod, per ton	*1*	*8*
Hoop, plate, sheet and forged, per ton	*3*	*4*
Manufactured, wrought or cast, per ton	*3*	*4*
Old or broken, per ton	*0*	*10*
Furnaces, per cwt.	*0*	*2*
Galvanized, per cwt.	*0*	*2*
Ironmongery (not specified), per cwt.	*0*	*3*
Isinglass, per cwt.	*0*	*6*
Ivory, per cwt.	*1*	*0*
Ivory black, per cwt.	*0*	*2*
Jack screws, per pair	*0*	*6*
Jalap, per cwt.	*1*	*0*
Juice or syrup (not specified), per cwt.	*0*	*4*
Juniper berries, per cwt.	*0*	*4*
Junk or old rope, or old sail cloth, per cwt.	*0*	*2*
Jute, press-packed, per ton	*3*	*4*
Kelp, per ton	*1*	*8*
Kips, per cwt.	*0*	*4*
Lac dye, gum, stick, seed, and shell, per cwt.	*0*	*4*
Lace, in packages, per cubic foot	*0*	*2*
Lacquered ware, per cwt.	*0*	*4*
Ladles, per gross	*0*	*6*
Lamp black, per cwt.	*0*	*4*
Lanterns, horn or glass, per dozen	*0*	*2*
Lard, per cwt.	*0*	*4*
Lavender flowers, per cwt.	*0*	*8*
„ water, per gallon	*0*	*0½*
Lead:		
Pig or sheet, per cwt.	*0*	*2*
Black, white, or red, per cwt.	*0*	*2*
Shot, per cwt.	*0*	*3*
Scrap, per cwt.	*0*	*1*
Leather:		
Tanned, per cwt.	*0*	*4*
Wrought, per cwt.	*1*	*0*
Leeches in packages, per cubic foot	*0*	*2*
Lemons, per chest	*0*	*4*
„ per box	*0*	*2*
Lemon, lime, and orange juice, per gallon	*0*	*0½*
„ peel, per cwt.	*0*	*4*
Lime, burnt, per ton	*0*	*6*
Limes, per cwt.	*0*	*6*
Linen cloth, per cwt.	*0*	*4*
„ rags, per cwt.	*0*	*1*
Linseed, per quarter	*0*	*4*
Lint cloth, per cwt.	*0*	*6*
Liquorice or Succus liquoritæ, per cwt.	*0*	*4*
„ root, per cwt.	*0*	*2*
Locomotive engines, per ton	*5*	*0*
Loom or moulding sand, per ton	*0*	*6*
Maccaroni, per cwt.	*0*	*4*
Mace, per cwt.	*1*	*0*
Machinery (not specified), per ton	*5*	*0*
Wood and iron mixed, per foot	*0*	*1*
Madder root, per cwt.	*0*	*4*
Manganese, per ton	*0*	*6*

		s.	*d.*
	Mangles, each	*1*	*0*
	Mangold wurtzell, per ton	*0*	*10*
	Manna, per cwt.	*0*	*6*
5	Manure (not specified), per ton	*0*	*6*
	Manufactured, per ton	*1*	*0*
	Marbles, per cwt.	*0*	*6*
	Mastic gum. (*See* Gum.)		
	Matches, packages, per cubic foot	*0*	*0¼*
10	Mats and matting, per dozen	*0*	*1*
	Meat, per cwt.	*0*	*4*
	Melons, per cwt.	*0*	*4*
	Melting pots, per dozen	*0*	*1*
	Millinery, in packages, per cubic foot	*0*	*2*
15	Millboards, per 120	*0*	*6*
	Minerals. (*See* Ores.)		
	Mineral waters. (*See* Acid water.)		
	Mohair yarn, per cwt.	*0*	*4*
	Molasses and treacle, per cwt.	*0*	*2*
20	Mops, per dozen	*0*	*3*
	„ handles, per gross	*0*	*6*
	Moss, rock or Iceland, per cwt.	*0*	*3*
	Mother-o'-pearl:		
	Shells, per cwt.	*0*	*4*
25	Ware, per cubic foot	*0*	*2*
	Mundic, per ton	*0*	*6*
	Munjeet, per cwt.	*0*	*4*
	Muntz's patent, per cwt.	*0*	*4*
	Muriate of lime, potash, and soda, each per cwt.	*0*	*2*
30	Musical instruments, per cubic foot	*0*	*2*
	Musk, per cwt.	*1*	*0*
	Mustard, per cwt.	*0*	*4*
	Myrrh, per cwt.	*0*	*6*
	Myrabolams, per cwt.	*0*	*3*
35	Nails:		
	Iron, per cwt.	*0*	*2*
	Copper, per cwt.	*0*	*4*
	Galvanized iron, per cwt.	*0*	*3*
	Zinc, per cwt.	*0*	*3*
40	Nanari, per cwt.	*0*	*6*
	Nankeen, in packages, per cubic foot	*0*	*2*
	Natron, per ton	*3*	*4*
	Net, per cwt.	*0*	*4*
	Nests of trunks, per cubic foot	*0*	*1*
45	Nickel, per ton	*5*	*0*
	Nitrate of soda, per ton	*1*	*8*
	Nutmegs, per cwt.	*0*	*6*
	Nuts:		
	Not specified, per cwt.	*0*	*2*
50	Filbert and Barcelona, per cwt.	*0*	*2*
	Walnuts, per cwt.	*0*	*4*
	Almond, per cwt.	*0*	*4*
	Nux vomica, per cwt.	*0*	*4*
	Oakum, per cwt.	*0*	*2*
55	Oars, under 20 feet in length, per dozen	*0*	*2*
	20 feet and under 30 feet, per dozen	*0*	*4*
	30 feet and above, per dozen	*0*	*4*
	Oatmeal (*See* Grain.)		
	Ochre, per cwt.	*0*	*2*

	s.	d.
Oil:		
Not specified, per cwt.	0	4
Castor, per cwt.	0	6
Chemical, per cwt.	1	0
Fish, per ton	2	0
Nut, per cwt.	0	4
Linseed, per cwt.	0	4
Palm, per cwt.	0	4
Olive, per cwt.	0	4
Rape, per cwt.	0	4
Dregs, per ton	1	0
In flasks, per chest	0	4
„ per half chest	0	2
Cake, per ton	1	0
Oil cloth or painted canvas, per cwt.	0	4
Old salt:		
Refuse of salt used in the town, per ton	0	5
Refuse of used salt from other ports, per ton	0	10
Olibanum. (*See* Gum.)		
Olives, per cwt.	0	6
Onions, per cwt.	0	2
Opium, per cwt.	0	6
Oranges, per chest	0	4
„ per box	0	2
Orange peel, per cwt.	0	4
Orchella weed, per cwt.	0	4
Ores:—		
Not specified, per ton	0	6
Iron, per ton	0	4
Tin, per ton	0	6
Copper, per ton	0	6
Silver, per ton	1	0
Orpiment, per cwt.	0	3
Orrice root, per cwt.	0	3
Orsidddew, in packages, per cubic foot	0	2
Otto of roses. (See Essences.)		
Ovens, earthenware, each	0	2
Ox bows, per dozen	0	2
Oysters, per cwt.	0	1
Paints (not specified), per cwt.	0	4
Paintings, pictures, and picture frames:—		
Pier glasses, per cubic foot	0	3
Pans, earthenware, per potter's dozen	0	4
Warming pans, per cwt.	0	4
Brass, per cwt.	0	4
Paper, stationers', per cwt.	0	4
Other descriptions, per cwt.	0	2
Papier-maché goods, packages, per cubic foot	0	2
Parcels, not passengers' luggage, each	0	2
Pearl barley, per cwt.	0	2
Pears, per cwt.	0	3
Peas. (See Grain.)		
Peat, per ton	0	10
Pellitory root, per cwt.	0	6
Pepper, per cwt.	0	4
Perry. (See Ale.)		
Peruvian bark, per cwt.	1	0
Pessara, per cwt.	0	3

		s.	*d.*
	Petroleum or rock oil, per cwt.	0	4
	Pewter, per cwt.	0	2
	Phials, per cubic foot	0	1
5	Pianofortes. (See Musical Instruments.)		
	Pickles, per dozen bottles	0	2
	Pill boxes, in packages, per cubic foot	0	1
	Pimento, per cwt.	0	4
	Pink root, per cwt.	0	3
10	Pins, per cwt.	0	4
	Pipes:—		
	Tobacco, per cwt.	0	2
	Earthenware for draining, per ton	0	10
	Stoneware, per ton	1	8
15	Iron, per cwt.	0	2
	Lead, tin, zinc, per cwt.	0	4
	Pitch, per cwt.	0	2
	Burgundy, per cwt.	0	4
	Pipeclay, per cwt.	1	0
20	Pork. (See Bacon.)		
	Plaster of Paris, per cwt.	0	2
	Ploughs, each	1	0
	Plums, per cwt.	0	3
	Dried, per cwt.	0	4
25	Pomegranates, per cwt.	0	4
	Peel, per cwt.	0	6
	Porcelain, per cwt.	0	4
	Porphery. (See Stone.)		
	Porter. (See Ale.)		
30	Potash, per cwt.	0	2
	Potatoes, per ton	1	8
	Pots, flower, per potters' dozen	0	2
	butter, per potters' dozen	0	4
	Poultry. (See Birds.)		
35	Preserves, per cwt.	0	6
	Prunes, per cwt.	0	4
	Pozzolano, per ton	3	4
	Pumice stone, per cwt.	0	2
	Pyrolignate of lead, per ton	3	4
40	Polishing paste, per cwt.	0	4
	Quassia, per cwt.	0	3
	Quern stones, each	0	6
	Quicksilver, per bottle	0	3
	Quills or quill pens, per 1,000	0	2
45	Miners, per cwt.	1	0
	Quinces, per cwt.	0	3
	Quinine, per cwt.	2	0
	Rags, per cwt.	0	1
	Raisins, per cwt.	0	4
50	Reed, per ton	0	6
	Rhatania root, per cwt.	0	6
	,, extract, per cwt.	1	0
	Rhubarb, per cwt.	0	6
	Rice, per cwt.	0	2
55	Rinds, tanners', per ton	1	8
	Rope, per cwt.	0	3
	Old or junk, per cwt.	0	2
	Wire, per cwt.	0	2
	Rosin, per cwt.	0	2

	s.	d.
Rum. (See Spirits.)		
Rushes, per ton	0	6
Sac saturn, per cwt.	0	3
Sacks, empty, per cwt.	0	4
Safflower, per cwt.	0	3
Saffron, per cwt.	1	0
Sago, per cwt.	0	3
Sail-cloth, per cwt.	0	4
Sails, per cwt.	0	6
Sal ammoniac, per ton	3	4
Sal gem, rock salt, per ton	1	8
Salmon, per cwt.	0	3
Salt, per ton	1	8
Saltpetre and sal prunella, per cwt.	0	2
Sand, not brought as ballast, per ton	0	2
Sarsaparilla, per cwt.	1	0
Sash-weights, per cwt.	0	2
Sassafras, per cwt.	0	6
Scammony, per cwt.	1	0
Scoops:—		
Boat, per dozen	0	2
Fish, per dozen	0	3
Malt, per dozen	0	4
Scuttles, coal, iron or tin plate, per dozen	0	3
,, copper, per dozen	0	4
Scythe blades, per dozen	0	2
,, stones, per cwt.	0	3
Scythes, per dozen	0	4
Seahorse teeth. (See Ivory.)		
Seaweed, per ton	0	3
Seeds:—		
Clover and other agricultural, per cwt.	0	3
Flower, per cwt.	1	0
Linseed, rapeseed, &c., per quarter	0	4
Senna, per cwt.	0	4
Shingle, not brought as ballast, per ton	0	2
Shoddy, per ton	3	4
Shot:—		
Lead, per cwt.	0	3
Iron, per ton	3	4
Steel and shell, per ton	5	0
Shrub. (See Spirits.)		
Shumac, per ton	3	4
Sickles, per dozen	0	2
Silk:—		
Raw, per cwt.	1	0
Thrown, per cwt.	2	0
Waste, per cwt.	0	6
In packages manufactured, per cubic foot	0	2
Sieves, per dozen	0	3
Skins of wild animals:—		
Large, per cwt.	0	3
Small, per cwt.	0	6
Slates:—		
Writing, per gross	0	6
Pencils, per cwt.	0	4
Roofing, per ton	0	10
Flooring, per ton	0	10

		s.	*d.*
	Smalts, per ton	*3*	*4*
	Snuff, per cwt.	*0*	*4*
	Soap, per cwt.	*0*	*3*
5	Soda, per cwt.	*0*	*2*
	Soda water, per dozen bottles	*0*	*2*
	Sofas, each	*1*	*0*
	Solder and spelter, per cwt.	*0*	*2*
	Spermaceti, per cwt.	*0*	*4*
10	Spetches, per ton	*3*	*4*
	Spices (not specified), per cwt.	*0*	*6*
	Spirits, British or foreign, per gallon	*0*	*0½*
	„ in bottles, per dozen quarts	*0*	*3*
	Ditto ditto pints	*0*	*2*
15	Sponge, per cwt.	*1*	*0*
	Squills, per cwt.	*0*	*3*
	Spokes for wheels, per dozen	*0*	*2*
	Naves for wheels, per dozen	*0*	*6*
	Stamp lifters, per dozen	*0*	*6*
20	Starch, per cwt.	*0*	*4*
	Staves and heading for pilchard hogsheads, per 1,000	*1*	*8*
	Steel, per cwt.	*0*	*4*
	Pens, per cwt.	*1*	*0*
	Stock fish, per cwt.	*0*	*2*
25	Stone:—		
	Building, per ton	*0*	*2*
	Paving stones, per ton	*0*	*2*
	Mill, per ton	*1*	*0*
	Burr, per ton	*1*	*0*
30	Bath and Portland, rough, per ton	*0*	*6*
	„ „ cut, per ton	*0*	*9*
	Flagstone and granite, rough, per ton	*0*	*4*
	„ „ cut, per ton	*0*	*6*
	Grinding stones, per cwt.	*0*	*1*
35	Limestone, per ton	*0*	*2*
	Marble:—		
	Rough, per ton	*1*	*0*
	Cut, per ton	*2*	*0*
	Porphery, Serpentine, &c.:—		
40	Rough, per ton	*1*	*0*
	Cut, per ton	*2*	*0*
	Road stone, per ton	*0*	*2*
	Freestone:—		
	Rough, per ton	*0*	*2*
45	Cut, per ton	*0*	*6*
	Straw, per ton	*0*	*6*
	Succades or sweetmeats, per cwt.	*0*	*6*
	Sugar:		
	Soft, per cwt.	*0*	*2*
50	Refined, per cwt.	*0*	*4*
	Candy, per cwt.	*0*	*6*
	of Lead, per cwt.	*0*	*6*
	Sulphur, per cwt.	*0*	*3*
	Sheepwasher's dirt, per ton	*3*	*0*
55	Talc, per cwt.	*0*	*4*
	Tallow, per cwt.	*0*	*2*
	Tamarinds, per cwt.	*0*	*6*
	Tanners' poles, per cwt.	*0*	*6*
	Tapioca, per cwt.	*0*	*4*

	s.	d.
Tar, per barrel	0	3
Tares, per ton	1	0
Tarras, per cwt.	0	2
Tea, per cwt.	0	6
Teazels, per cwt.	0	2
Terra Japonica, Sienna, and Verde, per cwt.	0	4
Tessera, per cwt.	0	2
Thimbles, per cwt.	0	6
Sail, per cwt.	0	4
Threshing machines, each	5	0
Thrumbs, per cwt.	0	4
Tiles:		
Roofing, per ton	1	8
Paving, per ton	0	10
Draining, per ton	0	10
Tin:		
Blocks, ingots, or barrel, per ton	4	0
Plate, per box	0	2
Tincal, per ton	4	0
Tobacco:		
Raw, per cwt.	0	4
Manufactured, per cwt.	0	6
Tongues, per cwt.	0	4
Tonquin Beans, per cwt.	1	0
Tortoiseshell, per cwt.	1	0
Tow, per cwt.	0	3
Toys, per cubic foot	0	1
Treacle or molasses, per cwt.	0	2
Trees for saddles, per dozen	0	3
Trenchers, per gross	0	4
Trundlesticks, per 1,000	0	6
Trunks, empty, per cubic foot	0	1
Turf, per ton	0	10
Turmeric, per cwt.	0	3
Turnips, per ton	0	10
Turpentine, per cwt.	0	4
Turtles, each	1	0
Twine, per cwt.	0	4
Types, per cwt.	0	6
Valonia, per ton	3	4
Vanellas. (See Succades.)		
Varnish, per cwt.	0	6
Vegetables, per cwt.	0	2
Venice turpentine, per cwt.	0	6
Verdigris, per cwt.	0	2
Vermicelli, per cwt.	0	4
Vermillion, per cwt.	1	0
Vinegar, per gallon	0	0½
Vitriol, per cwt.	0	4
Walnuts, per cwt.	0	4
Waste, braziers', button makers', furriers', soapers', tanners', vitriol, sugar bakers', per cwt.	0	2
Wax:		
Bees, per cwt.	0	3
Sealing, per cwt.	0	6
Weights:		
Iron, per cwt.	0	2
Brass, per cwt.	0	4

		s.	*d.*
	Weld or wood, per cwt.	*0*	*4*
	Whalebone, per cwt.	*1*	*0*
	Fins, per cwt.	*0*	*4*
5	Wheelbarrows, each	*0*	*4*
	Wheels, iron, per cwt.	*0*	*4*
	Whetstones, per cwt.	*0*	*3*
	Whips, per dozen	*0*	*2*
	Whipsticks, per dozen	*0*	*1*
10	Whiskbrooms, per dozen	*0*	*4*
	Whisky. (See Spirits.)		
	Whiting, per cwt.	*0*	*2*
	Wick yarn, pack, per cwt.	*0*	*3*
	Winch or windlass, per cwt.	*0*	*3*
15	Winnowing machines, each	*2*	*6*
	Wine:		
	British or Foreign, per gallon	*0*	*0½*
	In bottles, per dozen quarts	*0*	*2*
	„ per dozen pints	*0*	*1*
20	Wire:		
	Iron, per cwt.	*0*	*2*
	Brass, per cwt.	*0*	*4*
	Copper, per cwt.	*0*	*4*
	Not specified, per cwt.	*0*	*6*
25	Wood:		
	Dyers, &c., viz.: bar, box, Brazil, brazelletto, cam, cocus, ebony, fustic, lignum vitæ, logwood, Nicaragua, quassia, sandal, sanders, sapan, sassafras, per ton	*3*	*4*
	Furniture, viz.: cedar, mahogany, rose, satin, &c., per ton	*3*	*4*
30	Deals, battens, ends, boards, per load of 50 cubic feet	*1*	*6*
	Firewood, per fathom of 216 cubic feet	*0*	*6*
	Gunstocks, per 120	*1*	*6*
	Handspikes, not exceeding 7 feet long, per 120	*2*	*0*
	„ exceeding 7 feet long, per 120	*3*	*0*
35	Knees, under 5 inches square, per 120	*3*	*0*
	„ 5 and under 8 inches square, per 120	*4*	*6*
	Lathwood, per fathom of 216 cubic feet	*3*	*0*
	Laths, 4 ft. lengths, per 1000	*0*	*4*
	„ 3 ft. „ per 1000	*0*	*3*
40	„ 2 ft. „ per 1000	*0*	*2*
	Spars, under 4 inches diameter, per dozen	*0*	*4*
	„ 4 and under 6 inches diameter, per dozen	*0*	*8*
	„ 6 and under 8 inches diameter, per dozen	*1*	*0*
	„ 8 and under 12 inches diameter, each	*0*	*3*
45	„ 12 and above, as timber, 40 feet per load.		
	Staves (not specified), per load, 250 cubic feet	*1*	*6*
	Rickers, per 120	*6*	*0*
	Staves, Baltic, pipe, per 120	*2*	*3*
	„ hogshead, per 120	*1*	*6*
50	„ barrel, per 120	*1*	*0*
	„ heading, per 120	*0*	*9*
	„ thin, pipe, 1 to 1½ inch thick, per 120	*1*	*0*
	„ pipe, board, 3 inches thick, per 120	*3*	*0*
	Billet, oak or ash, above 3½ inches and not exceeding 4 feet long, per 120	*2*	*6*
55	„ exceeding 1½ to 3½ inches, per 120	*1*	*6*
	„ under 1½ inches, per 120	*1*	*0*
	Packs. (See Casks, empty.)		

	s.	d.
Wood:		
Staves, American, per Quebec standard of 120, of 5½ feet long by 1½ inch thick	1	6
Ditto, Quebec, puncheon, St. John's ash, and oak, hogshead, per 120	1	6
Timber and planks, viz.: Fir, square, per load of 50 feet	1	6
„ round, per load of 40 feet	1	6
Ash, beech, birch, and elm, per load of 40 feet	1	6
Oak, teak, wainscot, and other hard wood, per load of 40 feet	2	0
Trenails, under 2 feet long, per 1200	2	0
„ 2 feet and upwards, per 1200	4	0
Wool:		
Packs of British, per cwt.	0	3
Spanish and all others, per cwt.	0	6
Woollen manufactures, per cwt.	0	4
Yams, per cwt.	0	2
Yarn, per cwt.	0	2
Zaffers, per cwt.	0	4
Zedoary, per cwt.	0	4
Zinc, per ton	3	4
„ sulphate of, per ton	3	4
All other goods not particularly enumerated—		
Light goods, per cubic foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates to be charged.

All goods brought from other ports by sea for exportation (with the exception of fish,) one third of the rates respectively leviable by the foregoing schedule.

In case of any goods being discharged from any vessel putting into the harbour in distress, and being obliged to discharge her cargo to repair damages, such goods shall only be liable, if landed and reshipped by the same owner on board the same or any other vessel, to one quarter of the rates respectively leviable by the foregoing schedule for landing only, and if transhipped without being landed to one eighth of the rates respectively leviable by the foregoing schedule.

SCHEDULE C.

Dues for the use of Cranes, Weighing Machines, &c.

Craneage.

All goods or packages raised or lowered, for every ton or part of a ton	0	4

Weighing Machines.

All goods or packages weighed, for every ton or part of a ton	0	2

Shed Dues.

	s.	d.
1. For every ton of goods of 40 cubic feet, or for every ton of goods of twenty cwt., which remains in the warehouses or sheds, or on the quays, or other works vested in the trustees, for a longer time than forty-eight hours - - -	0	3
And per ton for each day, or part of a day, during which the goods remain after the first seventy-two hours - -	0	2
And so in proportion for any less quantity.		
2. For every portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day - -	0	2

Water on Pier.

1. Water, per ton - - - - - - - -	0	6
2. Fishing vessels and yachts belonging to the port, per annum -	1	0

Passengers' Luggage.

For every 28lbs. or part thereof exceeding 1 cwt. - -	0	1

Fish Buyers' Carts.

For each time using the wharves or jetties - - -	0	2

SCHEDULE D.

Dues for the use of Graving Dock, Patent Slip, and Gridiron.

Graving Dock and Patent Slip.

	s.	d.
For every vessel (light) for each day of twenty-four hours, per register ton - - - -	0	3
For every vessel in ballast or cargo, for each day of twenty-four hours, per register ton - - - -	0	4

Every steam vessel having her engines on board to be considered as a vessel in cargo.

The day of docking and undocking both included.

The day to end at noon, and each fractional part of a day will be charged as one day.

N.B.—No vessel will be allowed to remain in the dock longer than seven days, or on the gridiron longer than one working tide, unless under special agreement.

These charges do not include the labour of docking and undocking.

Gridiron.

For every vessel using the gridiron, on one tide and off the next, per register ton - - - - - -	0	1

STORNOWAY.

Provisional Order of the Board of Trade for the Improvement and Regulation of the Harbour of Stornoway, in the Island of the Lews and County of Ross.

Preamble. **Whereas** under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Stornoway Pier and Harbour Commission, being Commissioners for managing the existing piers, quays, and harbours at Stornoway, constituted by virtue of a Feu Charter dated the ninth day of August, in the year 1864, in favour of them and their successors, made and granted by Sir James Matheson, of Achany and the Lews, Baronet, being or claiming to be heritable proprietor of the barony of the Lews, including the burgh of barony of Stornoway, and of the shores of the bay of Stornoway, a copy of which Feu Charter is set out in the First Schedule to this Order, made application, with the consent of the said Sir James Matheson, by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council, appointed for the consideration of matters relating to Trade and Foreign Plantations, hereafter in this Order called the Board of Trade, praying for, amongst other things, a Provisional Order under the said Acts for incorporating the said Commissioners, and for authorizing them to execute works for the improvement of the harbour and the accommodation of shipping at Stornoway, and to levy and recover rates and dues:

And whereas the estimated expenditure on the proposed works is five thousand five hundred pounds, and no more:

And whereas the said Commissioners published the advertisements and deposited the documents, which by the last-mentioned Act they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation thereof (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That

That from and immediately after the passing of an Act of Parliament confirming this Provisional Order the following provisions shall have effect:—

Incorporation of Commissioners.

1. The present members of the said Stornoway Pier and Harbour Commission, and their successors, to be appointed as in the said Feu Charter provided (subject nevertheless to the provisions of this Order), shall be and are hereby for the purposes of this Order incorporated by the name of The Stornoway Pier and Harbour Commission, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property, for the purposes but subject to the restrictions of the said Feu Charter and of this Order.

Modifications of provisions of Charter.

2. Notwithstanding anything in the said Feu Charter the following provisions shall have effect:—

(1.) The appointment of every Commissioner appointed by the Superior of the burgh of Stornoway, or by the Sheriff of the County, shall be made in writing, and until the writing of appointment is deposited with the clerk to the Commissioners the person thereby appointed shall not be entitled to act as a Commissioner.

(2.) The Commissioners from time to time appointed after the Commissioners nominated in the said Feu Charter go out of office shall respectively hold office from the first Tuesday in the month of May in the year of their appointment to the end of the day next preceding the first Tuesday in the month of May in the next following year.

(3.) At meetings of the Commissioners at which the permanent Commissioner is not present the Commissioners present shall elect a Chairman before proceeding to business, and every such Chairman shall have a second or casting vote in case of an equality of votes.

(4.) Any rules or regulations framed by the Commissioners (in pursuance of the first and tenth clauses of the said Feu Charter) for the general management of the piers, quays, harbour works, and harbour vested in them, shall be deemed to be byelaws within the meaning of this Order and of any Act incorporated therewith.

Incorporation of parts of 10 & 11 Vict. c. 16.

3. The Commissioners Clauses Act, 1847, (except sections sixteen to thirty-five, both inclusive, and sections forty, forty-two, forty-three, forty-six, fifty-four, eighty-six, and eighty-seven,) are hereby incorporated with this Order, and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally.

Undertakers.

4. The Commissioners shall be the undertakers of the works authorized by this Order.

Limits of Harbour.

5. The limits of the harbour of Stornoway within which the Commissioners shall have authority (which shall be deemed the limits to which this Order, and the powers to exact rates in virtue thereof, extend,) shall extend to and include the bay of Stornoway to the north of an imaginary straight line drawn from Holm Point on the east side to Arnish Point on the west side of the bay of

Stornoway, as laid down on the Admiralty chart of the said harbour by Commander Otter of the Royal Navy; Provided always as follows:—

(1.) The foreshore or shore and sea and bed of the bay on the east side thereof, whereon a patent slip has been erected by the said Sir James Matheson, for the accommodation of shipping, and a portion of the foreshore or shore on each side of the said slip and of the sea and sea bed seawards thereof, sufficient for the due and efficient working and use of the said slip, shall be excepted from and shall be held not to be included in the said harbour, and no vessels using the said slip shall in respect of such use be subject or liable to pay any rates under this Order.

(2.) The extension by this Order of the limits of the said harbour for rating purposes beyond the foreshores or shores, which have been heretofore expressly conveyed to the Commissioners, or which may hereafter under this Order be acquired by them, shall in no respect give them authority or power, except with the consent of the said Sir James Matheson, or of the Superior of the burgh of Stornoway for the time, to appropriate the foreshores or shores of the bay of Stornoway heretofore not conveyed to them, or any part thereof, or confer upon them any rights to, over, or upon the same; neither shall the definition hereby of the limits within which this Order shall take effect in any respect derogate from any right possessed by the said Sir James Matheson or by his successors, as proprietors of the barony of the Lews, including the burgh of barony of Stornoway, and of the foreshores or shores of the bay of Stornoway, from appropriating and using the same in such a manner as by law was competent for him to do before this Order was made.

Power to take lands by agreement.

6. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, and use all or any part of the lands shown upon the deposited plans as intended to be taken for the purposes of the proposed works.

Incorporation of Lands Clauses Acts.

7. The Lands Clauses Consolidation (Scotland) Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchasing and taking of lands otherwise than by agreement, are hereby incorporated with this Order, but nothing in this Order shall authorize the Commissioners to take lands for the purposes of this Order exceeding in extent in the whole five acres.

Power to execute works.

8. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits shown on the deposited plans and sections, execute and maintain the works shown on the deposited plans.

Description of works.

9. The works authorized by this Order comprise the following:—

(1.) A timber wharf, of one hundred and fifty feet or thereabouts in length, in front of the present steamboat quay near the Old Castle, and a quay wall of masonry, extending northwards from the said timber wharf for a distance of three hundred and fifty feet or thereabouts, and

and joining the quay called the Big Quay at a point seventy feet or thereabouts seaward of high-water mark:

(2.) The filling up and making available for curing ground or other purposes of the space between the said quay wall and high-water mark; and

(3.) All such other works, buildings, sheds, warehouses, wharfs, jetties, works, and conveniences as may from time be necessary for the improvement of the harbour, or the accommodation of the shipping resorting thereto; but the erection of all sheds, warehouses, storehouses, or other structures upon the quays, piers, or wharves now belonging or which may hereafter belong to or be acquired by the Commissioners shall be subject to the whole conditions and provisions having reference thereto contained in the said Feu Charter.

Power to levy rates according to Schedule.

10. Subject and according to the provisions of this Order, the Commissioners may demand, levy, and recover, in respect of vessels, goods, fish, animals, and things described in the Second Schedule to this Order, any sums not exceeding the several rates therein specified.

Certain fishing vessels under stress of weather exempt from rates.

11. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour of Stornoway, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of Customs Officers.

12. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, and out of the wharf, harbour, and works by land, and with their vessels and otherwise, without payment.

Cesser of rates in certain case.

13. If at any time the said Feu Charter, from any cause whatever, becomes void, or is set aside, reduced, or invalidated, as to the whole thereof, or as to any part thereof containing a disposition of property in favour of the Commissioners, the right to levy rates under this Order shall, ipso facto, absolutely cease.

Application of rates and income.

14. The Commissioners shall apply all money received by them from the rates, tolls, and dues authorized by this Order, and all other income coming into their hands in respect of the works authorized by this Order, or from the lands or property connected therewith, or otherwise belonging to them, for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the feu duties and rents payable in respect of the lands and property belonging to the Commissioners, and the expenses of the making, maintenance, management, and regulation of the existing harbour, and of the new works, and the lands and property connected therewith:

(3.) In paying the interest of any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) As to the surplus revenue of the harbour, if any, after providing for the purposes aforesaid, the same shall be applied in creating a sinking fund in manner, and, in so far as the nature and circumstances of the case will admit, in the proportion specified by The Commissioners Clauses Act, 1847.

Power to borrow.

15. The Commissioners may from time to time borrow and re-borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of ten thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates and dues authorized by this Order, or of any of those particulars, or of any other the property of the Commissioners; or they may accept and take from any bank or banking company credit to such amount as they deem expedient, not exceeding in the whole the said sum of ten thousand pounds, on a cash account to be opened and kept in the name of the Commissioners, according to the usage of bankers in Scotland; and they may assign the rates and dues hereby authorized, the works authorized by this Order, and the lands and property connected therewith, and any other lands or property belonging to them, in security of the repayment of the sum or sums so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively, by dispositions and assignations under their common seal, and signed by three of their members, which dispositions and assignations, and all transfers thereof, may be in the form as near as may be in the Schedule (B.) to The Burgh Harbours (Scotland) Act, 1853, annexed, and shall be recorded in the General Register of Sasines or in the Particular Register of Sasines for the counties of Inverness, Ross, &c., and have preference according to the priority of their registration therein, except in so far as a pari passu preference may by the dispositions and assignations have been established among all or some of them, as being assignations of parts of one capital sum, which the Commissioners may by a resolution of a specified date have determined to borrow in parts.

Money to be applied to purposes of Order.

16. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Arrears of interest, &c. may be enforced by the appointment of a judicial factor.

17. If within two months after the interest on any mortgages granted by the Commissioners has become due, or after the period prescribed for the payment of the principal sums in such mortgages has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgages may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, require the appointment of a judicial factor, by an application to be made as herein-after provided.

Appointment of a judicial factor.

18. Every application for a judicial factor under the provisions of this Order shall be made to the Sheriff or Sheriff Substitute of the county of Ross. On any such application the said Sheriff or Sheriff Substitute may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the harbour rates hereby authorized, or other the revenue of the Commissioners, until all the arrears of interest or of principal, as the case may be, then due on the outstanding mortgages, together with all costs, including

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ing the charges of receiving the said rates, be fully paid. Upon such appointment being made, all such rates as aforesaid shall be paid to and received by the person so appointed, and the money so received shall be so much money received by or to the use of the mortgagees, and so soon as the full amount of any interest or principal in arrear, and costs, has been so received, the power of such judicial factor shall cease: Provided always, that such judicial factor shall distribute among all the mortgagees to whom interest or principal shall be in arrear the rates and other monies which shall so come into his hands, having respect in such distribution to the priorities if any, of such mortgagees.

Amount to authorize application.

19. The amount to authorize the application for appointment of a judicial factor shall be one thousand pounds in one or more mortgages.

Exclusion of portions of Harbours, Docks, and Piers Clauses Act.

20. The following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections sixteen to nineteen, both inclusive, and sections twenty-five and twenty-six; and this Order shall be deemed "the special Act" within the meaning of the last-mentioned Act.

Confirmation of byelaws and provision for management of harbour.

21. Any byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed by the Board of Trade, which allowance shall be sufficient as confirmation thereof for all purposes; and it shall not be lawful for the harbour master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as he or they may be expressly authorized by the byelaws to do so.

Meters and weighers.

22. The Commissioners shall have the appointment of meters and weighers within the harbour.

Steam vessels, lighters, &c.

23. The Commissioners may provide such steam engines, steam vessels, piling engines, ballast lighters, rubbish lighters, and other machinery and vessels as they think necessary for the purposes of the harbour, and may demand and receive such sums for the use of the same as they think reasonable.

Harbours and Passing Tolls Act.

24. Part V. of The Harbours and Passing Tolls, &c., Act, 1861, shall apply to the Harbour of Stornoway.

Application of Charter.

25. Subject to the provisions of this Order, and of the enactments therewith incorporated, the Commissioners shall have all the powers and authorities conferred by and shall be subject to and bound by all the restrictions and stipulations contained in the said Feu Charter; and all property thereby expressed to be disposed to the Stornoway Pier and Harbour Commission is hereby vested in the Commissioners, subject as aforesaid, and to the provisions of the said Feu Charter, as far as the same are not inconsistent with this Order.

Saving rights of Sir James Matheson, Bart.

26. Nothing in this Order, or in any of the Acts therewith incorporated, shall authorize the Commissioners to take, use, or in any manner interfere with any land, soil, shores, foreshores, tenements or hereditaments, or any rights of whatever nature, belonging to or enjoyed or exerciseable by the said Sir James Matheson, Baronet, or to or by the heritable proprietor of the barony of

of the Lews and of the shores of the bay of Stornoway, or his successors or assigns, without his or their consent in writing, further or otherwise than is expressed and contained in the said Feu Charter; and, save as in this Order expressly provided, nothing in this Order shall divest, take away, prejudice, diminish, or alter any right, privilege, power, or authority vested in or enjoyed or exerciseable by the said Sir James Matheson or such proprietor as aforesaid, or his successors or assigns.

Saving for rights of third parties.

27. Nothing in this Order shall confer on or confirm to the said Sir James Matheson, his heirs, executors, administrators, successors, or assigns, any estate, right, title, or interest in or to any property or thing, or affect the estate, right, title, or interest (if any) of any person claiming any property adversely to him or them.

Short title.

28. This Order may be cited as The Stornoway Harbour Order, 1865.

Board of Trade, Whitehall.

Dated this 9th day of May 1865.

T. H. Farrer,
Secretary

THE

The FIRST SCHEDULE.

KNOW ALL MEN by these presents, that I, Sir James Matheson, of Achany and the Lews, Baronet, Member of Parliament for the combined counties of Ross and Cromarty, heritable proprietor of the barony of the Lews, including the burgh of barony of Stornoway and of the shores of the bay of Stornoway:

Considering that whereas there is a pier or quay at Stornoway, called the Old Pier or Big Quay, belonging to me, which was in or about the year eighteen hundred and seventeen rebuilt by subscription, and that the feuars of Stornoway are desirous to have an influential voice in the management of the said Old Pier or Big Quay, and in the application of the dues collected thereat:

And whereas I am willing, not only to meet their wishes in these respects, by having the property and management of the said Old Pier or Big Quay effectually vested in a commission, to be to a large extent chosen by the municipal authorities of the burgh of Stornoway, or the feuars or parliamentary electors within the said burgh, in the way and manner after mentioned, which has been approved by a committee of the said feuars, but also, and to the satisfaction and with the approval of the said committee, further, with the view of and for the purpose of conferring on the said commission the means of improving and extending the harbour accommodation generally, to vest in the said commission, in addition to the said Old Pier or Big Quay, a portion of ground and shore at the east side of the said Old Pier or Big Quay and contiguous thereto, and also a large portion of ground and shore contiguous to the south side of the said Old Pier or Big Quay, and extending southward therefrom to and including the Old Castle, Steamers' Quay, booking office, and store house:

Therefore, and in consideration of the feu duties for the ground, and of the annual sum, herein-after termed an additional feu duty, as restricted interest on a sum of eight hundred and fifty pounds sterling, or thereby, expended by me on the Steamers' Quay and others herein-after conveyed, and which last-mentioned annual sum of additional feu duty is to be redeemable as after declared at sixteen and two thirds of a year's purchase—

WIT YE ME to have sold, alienated, and in feu farm disponed, as I by these presents sell, alienate, and in feu farm dispone, from me, my heirs and successors, to and in favour (First) of myself and of Donald Munro, my chamberlain (as chamberlain, but while and so long as he holds that office only, and who shall only be competent to act as a commissioner in my absence), (Second) to and in favour of Kenneth Smith, feuar and merchant, Norman McIver, feuar and shipowner, and John Morrison, feuar and merchant, all residing in Stornoway, three commissioners elected by the commissioners in Stornoway acting under the General Police and Improvement (Scotland) Act, eighteen hundred and sixty-two, (Third) to and in favour of Donald Mackenzie and Daniel Mc Alister, both feuars and shipowners in Stornoway, two commissioners nominated and appointed by me, and (Fourth), to and in favour of Kenneth Mackenzie, householder and bank agent, residing in Stornoway, the commissioner appointed

by the Sheriff of the county under the power to that effect conferred by me (with concurrence of the said committee) upon him, being the seven persons who are to constitute for the current year the commission for managing the piers, quays, and harbour of Stornoway as after mentioned, and to be hereafter called "The Stornoway Pier and Harbour Commission," and to my successors, Superiors of the said burgh for the time, and to the chamberlain or factor of the Superior for the time (but only to act in absence of the Superior), and to the successors of the said several other persons before named to be appointed or to become members of said commission hereafter, and to the said Stornoway Pier and Harbour Commission itself, with perpetual succession, so soon as the said commission shall be incorporated:

First.—All and whole the vacant or lately vacant space or piece of shore ground at Stornoway lying to the east of the said pier or Big Quay, and between the same and the pier to the east of said ground, and opposite to the northern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, and northwards as far as in a line with the northern boundary or face of the said Old Pier or Big Quay, so that the pier or quay to be formed or lately formed by filling up said vacant or lately vacant space or piece of shore ground will adjoin or does now adjoin the said pier, and will be or now is in a line with said northern boundary or face of said Old Pier or Big Quay, and which vacant or lately vacant space or piece of shore ground is bounded as follows, viz.: On the west by the said Old Pier or Big Quay, along which it extends ninety-seven feet, measuring from the north-east corner of said Old Pier or Big Quay southwards to a point in North Beach Street fifty-one feet distant in a straight line drawn in a westerly direction from the east front of the house belonging to me next adjoining the said Old Pier or Big Quay, and presently occupied as a hotel and stores, and forty-three feet six inches distant in a straight line drawn southwards from the north boundary of the said feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie; on the south by a straight line extending eastwards from the point last-mentioned fifty feet six inches to a point forty feet six inches distant from the northern boundary of the said feu on the south side of North Beach Street; on the east to the extent of seventy-three feet by the said pier opposite to the eastern portion of the said feu on the south side of North Beach Street, and to the extent of twenty-seven feet farther north by the shore ground belonging to me, but upon which there is to be or has been built a prolongation of said pier last mentioned, so that the said vacant or lately vacant space or piece of ground hereby disponed will ultimately be or now is wholly bounded on the east by the pier last mentioned, as the same is to be or now is extended, and on the north by the shore ground belonging to me.

Second.—All and whole the pier and quay at Stornoway called the Old Pier or Big Quay, lying immediately to the west of the vacant or lately vacant space or piece of shore ground last above described and above disponed, and north of the house and stores belonging to me next adjoining the said Old Pier or Big Quay, measuring on the east eighty-six feet along the said vacant or lately vacant space or piece of shore ground, on the south, fifty-one feet from the said vacant or lately vacant space or piece of shore ground to the north-east corner of the said house and stores belonging to me next adjoining the said Old Pier or Big Quay, and eighty-eight feet along the north wall of the foresaid

foresaid house and stores, and from the north-west corner of said house and stores eighty-five feet westwards or seawards; and on the west and north by the sea.

Third.—All and whole the ground and shore at Stornoway to the south of the said Old Pier or Big Quay, and extending therefrom southwards, and lying to the west of a double straight line delineated in red ink, and extending from the point marked A upon a plan of the said subjects appended, and signed by me as relative hereto, and extending to the point marked B on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard and forty feet distant from the south-west corner of said subjects, thence in a straight line in a south-easterly direction to a point marked C on said plan forty feet distant from the point marked B, and thence in a direction a little more easterly to a point marked D on said plan forty-one feet distant from the point marked C, where the prsent building used as a steamer's store and booking office adjoin the landing slip, thence in a straight line nearly south to a point one hundred and eighty-eight feet distant from the point D marked E on said plan, and from the said point E, the shore and ground hereby conveyed is bounded on the south by a straight line to the point eighty feet distant marked F on said plan, and on the west from the said point F by a straight line in a line with the west face of the present steamer's quay, and one hundred and forty-five feet distant therefrom to a point marked G on said plan with the foreshore or solum seawards, or to the west of the present steamer's quay and line marked B, C, and A, and which ground includes theOld Castle, Steamer's Quay and storehouse, and booking office.

All the said three subjects lying within the town burgh and parish of Stornoway, barony of the Lews and county of Ross; Declaring that the said three subjects above disponed are so disponed, and that the foresaid descriptions thereof respectively are to be read and construed with reference to the delineation thereof shown by the double line in red ink on the plan of that part of Stornoway before mentioned hereto subjoined and signed by me as relative hereto, and no otherwise, with all right possessed by me to embank and appropriate the same for harbour purposes, and to levy and exact harbour dues and rates at the said piers and quays, and at all other piers and quays formed or to be formed, and to become vested in the said Stornoway Pier and Harbour Commission, in virtue of these presents, or of the powers to acquire further therein contained, with all my right, title, and interest thereto and therein, present and future, direct and contingent: Excepting and reserving always for the purpose of being used for proper access, and roadways or streets to be kept up, and maintained and managed as such in the same way as other roads and streets within Burgh, the spaces specially described in the fourth condition of these presents hereinafter written; and further reserving to me and to Thomas Reid feuar in Stornoway, and to our respective successors after written, special right of access as in said condition expressed; as also excepting always from the said subjects all mines of gold and silver in terms of the exception in my crown grant of the Barony of the Lews; and hereby expressly declaring that the several subjects above described are disponed for the purposes, and with the powers, and under, and subject to the whole conditions, provisions, declarations, and obligations herein-after written, all and every one whereof my disponees before named forming the present Stornoway Pier and Harbour Commission by acceptance hereof, for themselves and their successors, forming the Stornoway Pier and Harbour Commission for the time, and the Stornoway Pier and Harbour

Commission itself, in all time to come, shall, by acceptance hereof, be expressly held as a Commission to have adopted, and become bound as a Commission to fulfil in every particular, and which purposes, conditions, powers, provisions, declarations, and obligations are as follows:

First.—The said subjects shall be held by my said disponees as the persons constituting for the current year a commission or board to be called "The Stornoway Pier and Harbour Commission," as after provided, and by their successors appointed as after mentioned forming the Stornoway Pier and Harbour Commission for the time, for the purposes of managing the said piers, quays, and harbour now existing and all extensions or enlargements that may be made by them on the subjects hereby conveyed, or any other piers and quays that they may acquire in virtue of the powers herein-after conferred, and for the purposes of improving and extending the accommodation for trading, shipping, and fisheries, and with power to levy such dues thereat as they may legally be entitled or may be authorized to exact, and with power to appoint committees of their own number, and to appoint clerks, collectors, harbour masters, pier keepers, and all other officers, necessary for the proper management of the said piers, quays, and harbour, and to make and enforce all such rules and regulations for the management of said piers, quays, and harbour, and the use thereof, as they may be legally entitled, or may be authorized to make and enforce, and with full power, if they so think fit, to take all steps under the existing or any future General Pier and Harbour Acts, for enabling them to take the advantage thereof in all respects, and with power, if they find it necessary, to apply for a special Act of Parliament for the better management and improvement of the said piers, quays, and harbour; provided always, that in the latter event the said Act shall be applied for with my consent, or with the consent of the Superior for the time, and that such special Act shall be carried through by my agent, or the agent of the Superior for the time, all parties interested getting an opportunity of being heard for their interests in the usual manner: And generally with power to do all and whatsoever I could have legally done had I not granted these presents, except in so far as their powers are qualified or limited by the terms hereof.

Second.—The parties before named, other than myself and my chamberlain, shall hold office until the first Tuesday of the month of May eighteen hundred and sixty-five, that is, they shall cease to hold office at the end of the first Monday of May, and their successors appointed in their place shall enter on office upon the first Tuesday of May eighteen hundred and sixty-five, and in like manner the Commissioners named and appointed in their place shall hold office for one year from the said first Tuesday of the month of May in the year of their appointment to the end of the first Monday in the same month in the following year, and so forth in all time to come, that is, the said six Commissioners to be appointed annually shall hold office for one year, and no longer, it being nevertheless hereby declared that any or all of such Commissioners may be annually re-elected or re-appointed as often as the parties entitled to elect them may think fit.

Third.

Third.—The said Commission shall, in all time to come, consist and be composed of seven acting members, videlicet:—

(First.) Of the Superior of the burgh of Stornoway and his chamberlain for the time, the one in the absence of the other, declaring that the Superior for the time and his chamberlain shall be permanent Commissioners, but the one only to be capable of acting in the absence of the other; and the Superior of Stornoway, or his chamberlain for the time, shall, when present be chairman of the Commission, with an original or individual, and also in case of an equality of votes, with a casting vote.

(Second.) Of three Commissioners to be annually chosen at some time during the month of April by the Commissioners in Stornoway, acting under the General Police and Improvement (Scotland) Act eighteen hundred and sixty-two, or other general or local Act under which municipal elections shall from time to time fall to be made, and shall be made from among the said Municipal Commissioners themselves, the three members to be chosen being always feuars within said burgh, and each of them owners of property therein of ten pounds or upwards of annual value (as evidenced by the valuation roll of the county or for the district of the Lews for the time) and resident in or near Stornoway; and in case there shall not at any time exist such statutory Commissioners for municipal purposes, then the said three members of the Stornoway Pier and Harbour Commission shall be chosen by the persons within the burgh of Stornoway entitled to vote in the election of members of Parliament (as evidenced by the roll of parliamentary electors for the time), such three Commissioners so elected being always feuars, and each of them owners of property within the Burgh of Stornoway of the annual value of ten pounds or upwards (to be evidenced as aforesaid), and resident in or near Stornoway, and this at a meeting of the parliamentary electors within the burgh of Stornoway to be called by the Chairman of the Stornoway Pier and Harbour Commission, or in his absence by any three members of said Commission, by a printed or written notice to be posted in at least six public places in the town of Stornoway fourteen days previous to the day of election, or on such notice as may be prescribed by any byelaws or rules to be framed by the Stornoway Pier and Harbour Commission for regulating the calling of such meetings with the view to the election of members, full power to make such byelaws and regulations being hereby specially conferred on the said Commission.

(Third.) Of two Commissioners to be annually nominated on or before the first Monday of the month of May by me or the Superior of Stornoway for the time from among the resident feuars within the burgh each being an owner of property therein of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or qualified to vote in the election for members of Parliament (to be evidenced as aforesaid).

(Fourth.) Of one Commissioner to be annually nominated by the sheriff of the county for the time from among the feuars, owners

of property within the said burgh of the annual value of ten pounds or upwards (to be evidenced as aforesaid), or from among persons within the said burgh qualified to vote for members of Parliament (to be evidenced as aforesaid), or from among the householders of the said burgh occupying houses of the value of ten pounds or upwards (to be evidenced as aforesaid).

Fourth.—The said Stornoway Pier and Harbour Commission shall be bound, in case the site of the Old Castle included in the subjects third above disponed shall be built over, but if I or my foresaids so require only, to denote the central part of said Old Castle as now existing by preserving a proper and marked portion of the same, or in my option by a proper pillar or designating mark being placed so as to denote the site of such central part, and subject to the approval of me and my successors the said site may be further denoted by a flagstaff or signal post placed on the portion preserved, or on the pillar or designating mark substituted therefor; and the said Stornoway Pier and Harbour Commission shall be bound to leave at all times between the portion of the Old Pier or Big Quay above disponed to be occupied for proper pier or quay purposes or for curing ground and the houses or buildings belonging to me *ex adverso* a sufficient space of not less than twenty-five feet for the free and convenient access of the public and others requiring and using such access; and when the proposed extension of pier or quay and new steamers quay is formed there shall be at all times left by the said Stornoway Pier and Harbour Commission between the portion of such extended pier or quay to be used for proper pier or quay purposes, or for curing purposes or curing ground, and the houses and yards presently belonging to me and the said Thomas Reid *ex adverso* of said extended pier or quay, a free space next adjacent to the said houses on the west of not less than twenty-five feet in breadth, measuring from the north-west corner of the house and stores belonging to me next adjoining the aforesaid Old Pier or Big Quay to the south-west corner of the property belonging to the said Thomas Reid, and from this last-mentioned south-west corner of Thomas Reid's property a free space of not less than twenty-five feet to the west of the same straight line prolonged southwards to the point marked B. on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard, and forty feet distant from the south-west corner of said property, all for the purpose of affording free and convenient access and roadway or street for the use of the public and others to and from the piers and quays erected and to be erected as aforesaid; Declaring that the right to use the said spaces for roadways or streets is hereby reserved as fully and completely as if the *solum* thereof had not, with reference to the better carrying out of the objects of these presents, been conveyed by me to the said Harbour Commission, and that the said spaces are not to be held, either as regards surface or *solum*, any part of the subjects for which feu duty is payable by the said Harbour and Pier Commission; Reserving always to me and the said Thomas Reid and our respective successors and our and their tenants occupying the aforesaid houses and yards *ex adverso* of the said extended pier or quay a free space and convenient access to and from the said houses and yards, and the sea front of said extended pier or quay, but without prejudice to the said Stornoway Pier and Harbour Commission to exact and levy from me and the said Thomas Reid and our respective successors, and our and their tenants in the said houses and yards using the said pier erected or to be erected on the

the said vacant or lately vacant space to the east of the Old Pier or Big Quay, the said Old Pier or Big Quay and the Steamers Quay, and also the piers or quays to be formed *ex adverso* on the west of their said properties in Esplanade Row, when, but not until such last-mentioned piers or quays are formed, such dues for the use thereof as they may legally exact and levy from others using the same.

Fifth.—It is hereby provided and declared that the said Stornoway Pier and Harbour Commission shall not, and, by acceptance of these presents, they bind and oblige themselves that they shall not, erect or form upon the piers or quays hereby disponed or on the piers or quays to be formed on the portions of ground and shores hereby disponed, or on the piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired by the said Commission, any sheds, storehouses, or other erections whatever, whether of a temporary or permanent nature, and whether of stone or of brick, iron, or wood or other material, nor to project any stages, gangways, or platforms from said piers or quays into the sea in any direction except with the express consent in writing of me or the Superior for the time, and subject to such conditions as to removal or otherwise as I or the Superior for the time may see fit to impose in the event of our giving such consents as conditions thereof: And it is hereby further provided, and the said Stornoway Pier and Harbour Commission, by acceptance hereof, expressly consent and agree, that in case the said Commission shall, in breach of their aforesaid undertaking, make erections of any sort on the piers or quays hereby disponed, or those to be formed by them on the ground or shore hereby ceded, or piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired, or shall project stages, gangways, or platforms therefrom into the sea without the written consent of me or of the superior for the time, or in case of any failure on their part to observe or fulfil any conditions subject to which consent to make erections may have been given by me or the superior for the time, then and in any of these cases it shall be lawful to me or the superior for the time, at our own hands and without any proceeding at law or judicial warrant, to remove all such erections, whether the same be of a permanent or temporary character, and whether of wood or any more enduring material, and all stages, gangways, or platforms projected from the said piers or quays into the sea; and the said Stornoway Pier and Harbour Commission, by acceptance hereof, oblige themselves to pay to me or to the superior for the time the costs incurred by us in obtaining the removal of all erections made by them without written consent, or maintained contrary to the conditions on which such consent may have been given, including the cost of any judicial proceedings that may be resorted to by me or the superior for the time in order to obtain such removal should we see fit *ob majorem cautelam* to adopt such.

Sixth.—When the proposed extension and improvement at the steamers pier and Old Castle are effected, the said Stornoway Pier and Harbour Commission shall, as soon thereafter as they conveniently can, remove the present storehouse at the Steamers Quay, and shall thereupon be bound to erect a new storehouse in a position suited to the altered circumstances of the quay; and the position, character, and elevation of such new store or warehouse to be erected as aforesaid shall always be subject to my approval or to the approval of the Superior for the time. And there shall be reserved and set apart, for the free use of myself and

the superior for the time, in the storehouse or warehouse to be erected instead of the existing storehouse at the Steamers Quay, an apartment, of not less than twenty feet in length and twelve feet in breadth, of which I and the Superior for the time shall have exclusive possession, and be entitled to keep at all times locked, and in the meantime I retain right to take the free use of the existing storehouse in so far as necessary for my proper accommodation.

Seventh.—Providing and declaring as it is hereby provided and declared that these presents are granted with and under the burden of the current agreement between the Messrs. Hutcheson & Co., Glasgow, and me (which the Stornoway Pier and Harbour Commission shall be bound to recognize and give effect to), by which they are secured the use, as for one year from the term of Whitsunday eighteen hundred and sixty-three, of the said store at the steamers quay, and a preferable right to the use and accommodation of that quay for their steamboats, and the loading and unloading with all proper use of the adjuncts and free access thereto; as also the said Stornoway Pier and Harbour Commission become, bound by acceptance thereof that aye and until proper and better accommodation for steam boat traffic is substituted for the present, and capable of being used in place thereof, the Messrs. Hutcheson shall have a preferable right to be afforded the accommodation they presently enjoy upon fair and reasonable terms, and in case of difference of opinion the payments to be made by them for such interim accommodation being to be determined by me.

Eighth.—In the event of failure in any year of me or of the Superior for the time, or of the Municipal Commissioners or parliamentary electors, or of the Sheriff, to nominate Commissioners or a Commissioner, or in the event of any member of the said Stornway Pier and Harbour Commission dying, resigning, or becoming disqualified, or incapable of acting, or refusing to act, the other members of the said commission shall have power to name one or more commissioners to fill such vacancies for the year; and three members of the said commission shall be a quorum, and the acts of such quorum shall always be valid and effectual.

Ninth.—The Stornoway Pier and Harbour Commission shall meet annually on the first Tuesday of May, and shall have power to adjourn their meetings from time to time as they may think fit, due notice of such adjournments being always given by the clerk to all members not present at the meetings at which the adjournments are made; and the Superior or chamberlain as chairman shall be entitled to call a meeting of the Commissioners whenever they may deem it necessary; and shall at all times be bound, on a requisition to that effect signed by two members of the Commission, to convene meetings of the Commission; and in case of the refusal of the chairman to call a meeting when so required, or in case of the absence from the island of the Superior and chamberlain, a meeting may be called by any three members of the Commission on a notice of fourteen days, such notice always setting forth the object of and business requiring to be transacted at such meeting.

Tenth.—At the first meeting, or at any subsequent meeting or meetings as may be found convenient, the said Commission shall frame rules and regulalations for the conduct of the business of the Commission and general management of the piers, quays, harbour works, and harbour vested in them, in so far consistent with the several Pier and Harbour Statutes; and in case of any difference of opinion in regard thereto, the same shall be referred to two law agents

agents in Edinburgh, the one to be named by the Superior and the other to be named by members differing in the opinion from him.

Eleventh.—The said Stornoway Pier and Harbour Commission shall keep a full and distinct register of their proceedings, and distinct accounts of all revenue received by them for and in respect of the use of the piers, quays, harbours, warehouses, and grounds hereby transferred to them, or which may be hereafter acquired by them, and for and in respect of any erections to be hereafter made by them on the ground and shore above conveyed, and of any erections and any ground hereafter acquired by them as in extension of pier and harbour accommodation, and to that end and without prejudice to the general power before given to them, and obligation by these presents placed on them, to appoint all officers necessary for properly carrying out the objects of the Commission, the said Stornoway Pier and Harbour Commission shall be bound at their first meeting, or if then not convenient, at a meeting to be held not later than three months thereafter, to appoint a competent person to be clerk, and the same or other competent person may be treasurer and collector to the Commission with suitable remuneration, and it is hereby (without prejudice to the power of the said Commission to confer on the said officials other duties and more exactly to define their duties) declared that it shall be the duty of the clerk to attend all meetings of Commission and of committees of Commission, and to take and frame proper minutes of the proceedings at such meetings, and if required, to frame reports of committees, and when the same have been confirmed, to engross them in a register to be kept of the minutes and proceedings of the Commission, as also to record in the said register all other writings necessary or calculated fully and distinctly to show and preserve evidence of the whole actings and transactions of the Commission; and it shall be the duty of the clerk to conduct the correspondence of the Commission and duly to file and preserve all letters received on the business of the Commission and duly to record in letter books to be kept for that purpose all letters written by him on the business of the Commission, alike those written under the direct authority of the Commissioners as letters written by him in the ordinary conduct of its business, and which letter books shall for ease of reference be duly indexed by the clerk; and it shall be the duty of the treasurer to keep an exact account of all sums in the shape of revenue received by him on behalf of the Commission, and to pay the whole thereof from time to time into a bank account to be kept in the name of the Commission to be termed "Revenue Account," and to be operated upon by cheques signed by the chairman and treasurer under authority therefor to be given by the Commission, and an exact account of all payments made by him on behalf of the Commission, and as out of the revenue bank account, and which payments shall not be made by him out of revenue directly received but from money to be from time to time specially drawn from the said bank account by the Commission, and placed in his hands for the purpose of such payments; and the treasurer shall in like manner keep an account of all moneys received by him as from loans or otherwise towards the extension and improvement of the pier, quay, and harbour accommodation, which shall be paid wholly into a separate bank account, to be kept in name of the Commission, to be termed "Improvement Account," and to be operated upon as in the case of the other account; and he shall keep a distinct account of all payments made by him out of said moneys to be drawn and placed in his hands for that purpose, and the treasurer shall

at the first meeting of Commission that may be held not sooner than one month after the term of Martinmas yearly, make and exhibit to the Commission a distinct account of revenue or income and expenditure thereout for the year terminating at such term, and showing the sources from which the various items of revenue are derived, and the several objects to which the expenditure thereout has been applied, and the excess of the one over the other; and in like manner he shall at the same time make out and exhibit along with the said account of revenue another account of loans (if any such have been received), showing the amounts and from whence derived, and the several objects for which any payments thereout have been made, and which several accounts the commission shall themselves or by others examine, and on being satisfied that the same are in all respects correctly stated and duly vouched, they shall docquet the same as accurate and approved, and they shall be engrossed by the clerk in the register of proceedings before directed to be kept by the clerk to the commission as aforesaid; declaring however hereby that although separate bank accounts as for revenue and as for loans for improvements are to be kept, yet it is not therefore meant that the said Commission shall not have full power to apply money derived from revenue to the improvement and extension of the pier, quay, and harbour accommodation, but the said Commission shall on the contrary have full power to draw out of the revenue account and pay into the improvement account, to be employed towards improvements and extension of the pier, quay, and harbour accommodation, such sums as from time to time the said Commission may think right, and to apply the same accordingly.]

Twelfth.—The Stornoway Pier and Harbour Commission shall, in so far as not already done, immediately fill up and form into a pier or quay, according to a plan to be approved by them or by the provisional committee after mentioned, the vacant or lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, being the piece of shore ground first above conveyed, the cost of such operations being, in so far as not falling to be borne by others, defrayed out of the fund after mentioned.

Thirteenth.—The Stornoway Pier and Harbour Commission shall, with as little delay as may be, take the neccessary steps under the several Pier and Harbour Statutes, or otherwise in their discretion, for incorporating the said Commission and for obtaining power to enable them to levy such dues and rates as may be necessary for executing such works as may be deemed expedient, and generally to obtain themselves as an incorporated body, vested with such powers as may be proper to enable them to improve and extend the pier, quay, and harbour accommodation at Stornoway, by obtaining the consent of the Board of Trade or other competent authority, to extend the same seaward over the shore between the Old Pier or Big Quay and the Old Castle, including therein the present pier called the Steamers Pier with the view and for the purpose and to the effect of providing enlarged space for the accommodation of shipping, traders, fish curers, and fishermen; and also proper and permanent pier, quay, and harbour accommodation for steam vessels, and also for raising funds for the purposes agreed on by means of loans from the Public Works Commissioners, or otherwise, hereby declaring, that I, or the Superior for the time, shall be bound upon the said Commission becoming incorporated, to grant all or any deeds deemed necessary

neccessary for fully and completely vesting the Commission as a corporation in the subjects hereby disponed, but in conformity always with these presents and my rights under the same.

Fourteenth.—Providing and declaring, as it is hereby expressly provided and declared, that in case the said Stornoway Pier and Harbour Commission shall not have raised or at least secured the obtaining of the funds (not less than two thousand five hundred pounds sterling) necessary to enable them to provide better accommodation within the space of three years from their first meeting, then and in that case the subjects first and third above conveyed shall (in my option to be declared in a writing to be addressed to the said Commission and delivered at the usual place of meeting of the said Commission to the said Commission or to their clerk) revert to me and my heirs and successors, and shall, from the expiry of that period, cease to belong to the Stornoway Pier and Harbour Commission, and this present deed, in so far as regards the subjects first and third above conveyed, and all relative conditions, shall become void, and the said Stornoway Pier and Harbour Commission shall be bound to grant to me a reconveyance of the said subjects and a discharge of all claims any way competent to them in relation thereto under these presents, and I shall be entitled, failing their so doing, to pursue declarators of extinction of rights, denuding, &c., or other apt action before the Court of Session, in which it shall be sufficient to call the persons appointed members of said Stornoway Pier and Harbour Commission last before the date of raising said action for establishing my right to the said subjects, and denuding the said Commission thereof, with conclusions for having the said subjects disburdened of all claim at the instance of the said Stornoway Pier and Harbour Commission, and for the recording of the decree to be pronounced in the register of sasines as for my reinvestiture in the said subjects and for publication in case I or the Superior for the time may prefer that course to compelling the said Commission by action to reconvey; and such decree, when recorded in the register of sasines, shall have all the effect of a recorded conveyance of the subjects first and third above disponed, and form a complete reinvestiture of the superior therein, and a full discharge thereof from all and every claim at the instance of the said Commissioners, who shall, from the date of any reconveyance by them or decree obtained by the Superior under this provision, be freed and relieved of the feu duties of fifteen shillings and ten pounds and additional feu duty of thirty pounds hereby stipulated to be paid for the said subjects first and third above disponed respectively; excepting always any arrears for former years and the proportions for the period between the date of reconveyance or the decree and the term of Whitsunday preceding, all which shall remain entire to the Superior and capable of exaction by him from the said Commission.

Fifteenth.—The amount of rents and dues formerly collected at and for the Old Pier or Big Quay, presently deposited in the National Bank of Scotland at Stornoway, and amounting, as at twenty-third February eighteen hundred and sixty-three, to the sum of two hundred and fifty-nine pounds nine shillings and fivepence, besides interest at the rates allowed by the bank from the first day of November eighteen hundred and sixty-two, with the bank interest that shall have since accrued thereon, shall be transferred to the name of the Stornoway Pier and Harbour Commission. and shall be at their disposal for the objects of the Commission, and the bank account therefor shall be operated on by cheques signed by the Superior or chamberlain, as chairman of the Com-

mission, and by the person appointed and acting as clerk or treasurer of said Commission, under and in terms of authority by the said Commission from time to time given to sign such cheques; and the sum now in bank as aforesaid shall be primarily applied to defraying the costs on both sides of taking out of court an action of declarator, at my instance presently pending in the Court of Session, against the said Kenneth Smith, and certain other parties at Stornoway, and extracting the decree therein, and the costs on both sides of these presents, and of recording the same, and thereby or otherwise duly vesting my disponees in the said subjects; and in the second place in defraying the cost of filling up the vacant or lately vacant space or piece of shore-ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street, that belonged to the late Daniel Lewis Mackenzie, under the obligation to do so above placed on my disponees.

Sixteenth.—To facilitate the raising of the funds that may be necessary for the improvement and extension of the piers, quays, and harbour, I hereby agree that, if requisite, I will postpone the sum of thirty pounds of additional feu duty in respect of the subjects third above disponed, being the proportion of additional feu duty fixed upon as a yearly return as in place of restricted interest on the outlay made by me on the subject third above disponed, to the payment of the annual sum which it may become necessary for the Commission to pay in respect of the money to be borrowed by them for such improvement and extension; it being, however, hereby stipulated that in case the revenue of the piers, quays, and harbour shall be insufficient to meet the cost of management, the ground feu duties of fifteen shillings, three pounds, and ten pounds, the annual payment to the Public Works Loan Commissioners or other parties advancing money for the improvement or extension of the piers, quays, and harbour on the security thereof, and the said sum of thirty pounds of additional feu duty, then the last-mentioned sum of thirty pounds of additional feu duty shall only be postponed until funds become available for its payment when it shall be paid with interest.

Seventeenth.—In respect that it was not found convenient to form the said Stornoway Pier and Harbour Commission by the execution of these presents at an earlier period: And whereas the said Kenneth Smith, Norman Mac Iver, John Morrison, and the said Donald Munro, my chamberlain, have been acting as a provisional committee with the view of filling up the vacant or lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, regulating the portions of the same, and of the said Old Pier or Big Quay to be let for herring curing purposes, appointing a harbour master, and otherwise performing certain of the duties hereby devolved upon the Stornoway Pier and Harbour Commission, the said Commission shall adopt, recognise, and give effect in all respects to the actings of the said provisional committee, and shall relieve the said committee of all outlays made and obligations undertaken by them in their actings as a provisional committee on their duly accounting for all sums received by them for and in respect of the said Old Pier or Big Quay or other of the subjects above disponed and dues leviable thereat.

Eighteenth.—The whole foregoing purposes, powers, conditions, provisions, declarations, and obligations with this eighteenth provision itself, and the tenendas and reddendo clauses after written, with the clause allowing partial redemption

redemption of the said additional feu duty of thirty pounds in place of restricted interest on outlay (unless such redemption has been made or until it be fully made), shall be made real burdens on the subjects above conveyed respectively by the recording of these presents or of a notarial instrument containing the said purposes, powers, conditions, provisions, declarations, obligations, and clauses in the General or Particular Register of Sasines within three months from the date hereof, and the said purposes, powers, conditions, provisions, declarations, obligations, and clauses shall be repeated or competently referred to in all future deeds transmitting or vesting the said subjects all under the pain of nullity in case of the non due recording of these presents, or of a notarial instrument in the requisite form, and containing as aforesaid, or of the omission from future deeds of transmission or investiture of the said purposes, powers, conditions, provisions, declarations, obligations, and clauses or competent and equivalent references thereto; but declaring, as it is hereby specially provided and declared, that any alteration on or addition to the conditions and provisions herein contained which may be made by the Board of Trade or other competent authority under the application to be made for power and authority to such Commission, or that may be made by Parliament, shall be held to be part and parcel of these presents, and shall control, and limit or extend, as the case may be, the terms and conditions hereof, and the rights hereby granted or intended to be granted in the same way as if such alterations and additions had been herein engrossed, without prejudice to and always reserving entire my rights as Superior, and payments due to me under these presents as such Superior.

With entry to the said subjects as at the term of Whitsunday 1864; To BE HOLDEN the said several subjects above disponed by the said present members of the Stornoway Pier and Harbour Commission above named, and their successors forming the said Commission for the time, and by the said Stornoway Pier and Harbour Commission itself, of and under me and my successors as superiors of the same, in feu farm, fee, and heritage for ever.

GIVING therefor yearly the said Stornoway Pier and Harbour Commission to me and my aforesaids as follows; videlicet,—for the subjects first above disponed the sum of 15*s.* sterling of feu duty, for the subjects second above disponed the sum of 3*l.* sterling of feu duty, and for the subjects third above disponed the sum of ten pounds sterling of feu duty as for the ground thereof, and the farther sum of 30*l.* sterling of additional feu duty, as in the place of restricted interest on the sum of 850*l.* sterling or thereby expended by me upon the said subject third above disponed (redeemable the said additional feu duty of thirty pounds as after mentioned) beginning the first payment of said feu duties of 15*s.*, 3*l.*, and 10*l.*, and the said additional feu duty of thirty pounds at the term of Whitsunday 1865, as for the year preceding, and so forth at Whitsunday yearly in all time thereafter, with interest at the rate of 5 per cent. per annum of each year's feu duty from the time the same falls due till payment, and doubling the said sums of 15*s.*, 3*l.*, and 10*l.* every twenty-fifth year as a composition in place of entry, hereby specially declaring that the security for the said several sums of feu duty amounting in all to 43*l.* 15*s.* sterling (including therein the annual return or additional feu duty of 30*l.* as in place of restricted interest on outlay redeemable as after mentioned) shall equally extend over all the three subjects above conveyed; and I and the Superior for the time shall be entitled to proceed against all or any of

the said subjects for the recovery of the whole feu duties and additional feu duty stipulated for as aforesaid, and to enter into possession thereof, and of the rents and dues leviable therefrom, just and sicklike as if the said three subjects had been disponed as one, and as if the said several feu duties and additional feu duty had been stated as a *cumulo* feu duty payable for the said several subjects as one; but declaring also that in the right to the said subjects first and third above disponed reverting to me or the superior for the time; under and in terms of the fourteenth condition of these presents, then and in that case the feu duties of 15*s.*, 10*l.*, and the said additional feu duty of 30*l.* if the said last-mentioned feu duty shall be then unredeemed, or to the extent to which it shall be then unredeemed, shall cease and determine, as in said condition stipulated; but providing and declaring as it is hereby expressly provided and declared, that it shall be in the power and option of the said Stornoway Pier and Harbour Commission to redeem the said additional feu duty of thirty pounds stipulated for, as in place of restricted interest on outlay at 16 years and two thirds of a year's purchase of the same, that is to say, to redeem the whole annual payment of 30*l.* by payments at any term of Whitsunday, of a sum of 500*l.*, or to redeem the same gradually by payments at any term of Whitsunday, of not less than a sum of one hundred pounds at a time, in which case for each one hundred pounds paid to me or my successors, as in redemption of said feu duty of 30*l.*, one fifth thereof or 6*l.* yearly shall be extinguished, and on payment of the said sum of 500*l.* I shall be bound to grant and record, but at the expense of the Stornoway Pier and Harbour Commission only, a discharge and renunciation of the said sum of 30*l.* of additional feu duty, and, on payment of each sum of 100*l.*, I shall be bound to grant and record, but at the expense of the said Stornoway Pier and Harbour Commission only, a discharge and renunciation of six pounds or one fifth of said feu duty of 30*l.* sterling:

And I assign the writs, but to the effect only of maintaining and defending the above-named members of the Stornoway Pier and Harbour Commission, and their successors, forming the said Stornoway Pier and Harbour Commission, and the said Stornoway Pier and Harbour Commission itself, in the right of the lands, and others hereby disponed; and for that purpose I oblige myself and my foresaids to make the same forthcoming to the said Stornoway Pier and Harbour Commission at their expense on all necessary occasions on a receipt and obligation to re-deliver the same within a reasonable time and under a suitable penalty; and I assign the rents, dues, and rates proper to the subjects hereby disponed; and I oblige myself to free and relieve the said Stornoway Pier and Harbour Commission of all feu duties, casualties, and public burdens due at and previous to entry; and I grant warrandice of the said subjects, and of the rents and dues leviable therefrom; but as regards the shore to the extent only to which in law I have right to use the same under my grant thereof from the Crown or otherwise, and as regards the rents and dues to the extent only to which I have right to exact and levy the same; and I consent to registration hereof for preservation; and also to registration in the general or particular register of sasines as for investiture and publication.

In witness whereof I have subscribed these presents written on this and the twenty-nine preceding pages of stamped vellum, by Thomas Gilbert, Clerk to Messrs. Cheyne and Stuart, writers to the Signet, Edinburgh, (the word "Scotland"

"Scotland." having been previously interlined to read as the sixth word of the nineteenth line of page second; the words "to a point," to read as the tenth, eleventh, and twelfth words of the twenty-third line of page fifth; the words "the revenue of" to read as the fifth, sixth, and seventh words of the thirty-second line of page twenty-fourth; and the word "duly" as the seventh word of the thirtieth line of page twenty-fifth; and the word "same" having on the fourteenth line of page twenty-first been previously partly written on an erasure; also the word "time" having been previously interlined to read as the seventh word of the fourth line of page twenty-fourth; and the word "harbour" on the thirty-first line of page first having been previously deleted) at Lews Castle, Stornaway, the ninth day of August eighteen hundred and sixty-four years; Before these witnesses, William Edward Martin, my Butler, and Thomas Mackay, my Piper, both residing at Lews Castle.

(Signed) JAMES MATHESON.

(Signed) W. E. MARTIN. Witness.
(Signed) T. MCKAY. Witness.

Registered in the Particular Register of Sasines for Inverness, &c. 1st October 1864.

THE SECOND SCHEDULE.

I.—Rates on Vessels entering or using the Harbour to load or unload.

	s.	*d.*
For every sailing or steam vessel loading or unloading, per registered ton	*0*	*3*
For every vessel laid up for wintering, per month, per registered ton (and in proportion for a less or longer period)	*0*	*1½*
For every loaded vessel which shall use any quay or landing-place without discharging or loading, per registered ton, per fortnight (and in the same proportion per ton for every fortnight or part of a fortnight after the first fortnight)	*0*	*1½*
For every vessel, light or in ballast and departing in ballast, using any of the quays or landing places, per registered ton	*0*	*1½*
For every boat or undecked or unregistered vessel of 8 tons burden and upwards, using any quay or landing-place, loading or unloading cargo	*2*	*0*
For every vessel which may be moored within a line from the Old Castle to Ard Point or Aird-a-Chelirich for repairs, for six days or any lesser period, *1½d.*, and for any longer period than six days, *3d.* per registered ton.		

II.—Rates on Herring Boats, &c.

For every herring boat, and every undecked boat prosecuting the herring fishing during the season in the month of May, June, or July, yearly	*7*	*0*

III.—Rates on Animals and Goods shipped or unshipped, received or delivered, at or transhipped within the limits of the Harbour.

	s.	*d.*
Ale, beer, or porter, per hogshead	*0*	*2*
Ballast, per ton	*0*	*1*
Bark, in bulk, per ton	*1*	*0*
Beef, fresh or salted, or other provisions, per barrel	*0*	*2*
Biscuits and bread, per barrel bulk	*0*	*1*
Bones, per ton	*0*	*6*
Bone dust, per ton	*0*	*8*
Bran, per cwt,	*0*	*1*
Bricks, per 1,000	*0*	*8*
Butter, per cwt.	*0*	*2*
Carriages, with four wheels, each	*0*	*8*
Carriages with two wheels, each	*0*	*6*
Carts, each	*0*	*6*
Cattle, viz.:—		
Bulls, each	*0*	*3*
Cows, heifers, oxen, and stirks, each	*0*	*2*
Calves, each	*0*	*1*
Horses, asses, and mules, each	*0*	*2*
Pigs, each	*0*	*1*
Sheep, per score	*0*	*6*
Lambs, per score	*0*	*3*

		s.	d.
	Chalk, per ton	0	8
	Cheese, per cwt.	0	3
	Chimney cans, per score	0	3
5	Cloth, haberdashery, &c., per barrel bulk	0	2
	Carriage or cart wheels, per pair	0	2
	Coal, per ton	0	2
	Copper, per ton	1	4
	Cordage, per cwt.	0	2
10	Cork, per cwt.	0	2
	Cracklines, per cwt.	0	1
	Cotton (raw), per ton	1	0
	Dogs (sporting only), each	0	2
	Earthenware, per barrel bulk	0	1
15	Eggs, per barrel bulk	0	2
	Empty barrels, each	0	0½
	Fish, salted or dry, per ton	0	6
	Flax, per ton	1	0
	Flour, per sack	0	1
20	Ditto, per barrel	0	1
	Fowls and ducks, live, per dozen	0	1
	Furniture (household), per barrel bulk	0	1
	Fruit of all kinds, per barrel bulk	0	1
	Gates (iron) of all sizes, each	0	3
25	Geese and turkeys, live, each	0	1
	Glass (window), per crate	0	3
	Grain—viz, wheat and malt, per quarter	0	3
	Barley, bear, peas, beans, oats, and all other descriptions of grain, per quarter	0	2
30	Grease, per cwt.	0	2
	Groceries, per barrel bulk	0	1
	Guano and artificial manures, per ton	0	6
	Grates and stoves, each	0	1
	Gunpowder, per cwt.	0	4
35	Hardware, per barrel bulk	0	1
	Hay, per ton	0	6
	Hemp and cotton, unwrought, per ton	1	0
	Herrings, fresh (exported only), per box or barrel	0	1
	Ditto, cured ditto per barrel	0	1
40	Hides, per ton	1	0
	Hoops (wooden), per 1,000	0	5
	Husbandry (utensils of):—		
	Ploughs, each	0	3
	Harrows, each	0	2
45	Rollers, each	0	3
	Drill harrows, each	0	2
	Reaping machines, each	0	3
	And all other implements, per cwt.	1	0
	Iron, pig or old, per ton	0	6
50	Ditto, bar, bolt, or rod, per ton	0	6
	Kelp, per ton	0	3
	Lathwood, per fathom	1	0
	Lead of all kinds, and zinc, per ton	0	6
	Leather, per ton	0	10
55	Lime, per barrel	0	0½
	Limestone, per ton	0	1
	Lobsters, per box	0	1
	Machinery, per ton	1	0
	Manure, per ton	0	2
60	Meal and flour, per bag of 280 lbs.	0	1

	s.	*d.*
Millstones, each	*0*	*8*
Molasses and treacle, per ton	*0*	*5*
Oakum, per cwt.	*0*	*0½*
Oil, per ton	*1*	*0*
Oilcake, per ton	*0*	*6*
Oranges, per box	*0*	*2*
Oysters, per box or sack	*0*	*1*
Paper, per cwt.	*0*	*1*
Peats, per ton	*0*	*1*
Potatoes, per ton	*0*	*5*
Poultry, including pigeons, game, and other birds, per box	*0*	*2*
Ropes and rags (old), per ton	*0*	*6*
Salt, per ton	*0*	*3*
Salmon, per box	*0*	*1*
Sand, per ton	*0*	*1*
Seeds, per 8 bushels	*0*	*2*
Shearing hooks, per gross	*0*	*1*
Shot, per cwt.	*0*	*1*
Slates, under size, per 1,000	*0*	*3*
Ditto, sizeable, per 1,000	*0*	*4*
Soda-water and lemonade, per gross of 144 bottles	*0*	*3*
Spades and shovels, per dozen	*0*	*1*
Spirits, per hogshead of 56 gallons	*1*	*0*
Staves (barrel), per 1,000	*0*	*1*
Stones, paving or dressed), per ton	*0*	*1*
Ditto, others, per ton	*0*	*1*
Snuff, per cwt.	*0*	*8*
Stucco, per ton	*0*	*6*
Sugar, per ton	*0*	*10*
Tallow, per ton	*0*	*6*
Tar, per barrel	*0*	*1*
Tea, per chest	*0*	*4*
Tiles or pipes for draining, per 1,000	*0*	*6*
Ditto, for roofing, per 1,000	*0*	*6*
Timber, unwrought, of all kinds, per load of 50 cubic feet	*0*	*6*
Spars or poles, 22 feet in length and under, per 120	*1*	*0*
Ditto, 22 feet in length and upwards, and not exceeding 6 inches in diameter, per 120	*2*	*6*
Tobacco, per roll	*0*	*1*
Tin, per box	*0*	*1*
Tow, per ton	*0*	*5*
Vitroil, per carboy	*0*	*1*
Wheels (carriage or cart), per pair	*0*	*2*
Wilks, per sack	*0*	*1*
Wine in cask, per hogshead	*1*	*0*
Ditto in bottle, per barrel bulk	*0*	*1*
Wool, per cwt.	*0*	*1*
Yarn, per ton	*1*	*0*
All other unenumerated articles to pay at landing or shipping:—		
If by measurement, per barrel bulk	*0*	*1*
If by weight, per ton	*0*	*8*

Articles which can be measured to pay by barrel bulk, all others by weight.

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet, not exceeding two and half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

Exemptions from above-mentioned Rates.

1. All vessels mooring or using the anchorage ground within the limits of the harbour for refuge or waiting a wind, and all yachts and pleasure vessels, and all open boats other than the boats above specified.

2. Goods, articles, effects, materials, matters, and things bonâ fide the property of the Superior of the burgh of Stornoway for the time, his family, or visitors at Lews Castle, or for their use or for the use of the Lews estate, landed or loaded at the shores of any part of the west side of the bay of Stornoway between Arnish Point and the water of Bayhead.

3. All returned empty boxes, barrels, sacks, and packages.

4. Passengers luggage not exceeding 2 barrels bulk; all above to pay the ordinary rates.

5. The furniture and luggage of fishermen coming to or returning from the herring fishery at the commencement or end of the fishing season.

6. Dogs used by servants in charge of live stock.

IV.—Rates for the use of Sheds, Cranes, and Weighing Machines.

1. *Sheds.*

For each ton of goods of eight barrels bulk, or for each ton of goods of twenty cwt., which shall remain in any shed or on the pier for a period not exceeding three days, the sum of threepence, and the sum of one penny halfpenny per ton for each day during which such goods shall remain after three days.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding 1 ton	*0*	*3*
Exceeding 1 ton and not exceeding 2 tons	*0*	*4*
„ 2 tons „ 3 tons	*0*	*6*
„ 3 tons „ 4 tons	*0*	*8*
„ 4 tons „ 5 tons	*0*	*10*
„ 5 tons „ 6 tons	*1*	*0*
„ 6 tons „ 7 tons	*1*	*2*
„ 7 tons „ 8 tons	*1*	*4*
„ 8 tons „ 9 tons	*1*	*8*
„ 9 tons „ 10 tons	*2*	*0*
„ 10 tons - - - -	*3*	*0*

3. *Weighing Machines.*

For goods weighed one penny for each ton or part of a ton.

Pier and Harbour Orders Confirmation (No. 3.)

A

BILL

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Girvan, Mevagissey, and Stornoway.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 13 *June* 1865.

[Bill 210.]

Under 9 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Confirming with Amendments certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Girvan, Mevagissey, and Stornoway.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas the Board of Trade have made certain Provisional Orders: And whereas those Orders have been amended by Parliament, and are, as so amended, set out in the Schedule hereto: And whereas it is expedient that the Orders so set out in the Schedule hereto be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Confirmation of Orders in Schedule.

1. The Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and Form as they are set out in the said Schedule shall, from and after the passing of this Act, have full Validity and Force.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865. (No 3.)

The SCHEDULE of Orders.

1. GIRVAN.
2. MEVAGISSEY.
3. STORNOWAY.

SCHE-

SCHEDULE to which the foregoing Act refers.

GIRVAN.

Order for the Improvement and Regulation of the Harbour of Girvan in the County of Ayr.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, which Commissioners and their successors shall be and are hereby, for the purposes of this Order, incorporated by the name of The Harbour of Girvan Improvement Commissioners, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, lease, take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of this Order.

Meaning of "The Commissioners."

2. The term "The Commissioners," when hereafter used in this Order, means the Harbour of Girvan Improvement Commissioners.

Appointment of the several Commissioners.

3. The appointment of the Commissioners shall be regulated as follows:—

(1.) The following two persons are hereby appointed Commissioners, namely,—

The heir of entail in possession for the time being of the estate known by the name of the Bargany Estate;

The Right Honourable Thomas Francis Kennedy, and after his death the heir of entail in possession for the time being of the estate known by the name of the Dalquharran and Girvan Mains Estate;

And in the absence of such Commissioners, or of either of them, the Factor holding the mandate of the absent Commissioner, or of his guardian or guardians should such Commissioner be an infant, may act for his principal to all intents and purposes under this Order as if he were himself such principal:

(2.) The Glasgow and South-Western Railway Company, acting by the directors of the company, shall, as soon as may be after the commencement of the operation of this Order, appoint from among the directors or shareholders of that company two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of any one of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties; provided that each appointment of a Commissioner shall be determinable at any time by the authority of the said company:

(3.) The registered shipowners of Girvan shall from time to time elect two persons to be Commissioners:

(4.) Two of the Commissioners shall be appointed annually by the Town Council of Girvan; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those two Commissioners within his year of office, another person shall be appointed by the Town Council to fill the vacancy.

Election of Commissioners by Girvan Shipowners.

4. The election of Commissioners by the registered shipowners of Girvan shall be regulated as follows:—

(1.) The first meeting of the registered shipowners of Girvan for the election of Commissioners shall be held within the Town Hall of Girvan within one calendar month from the commencement of the operation of this Order, at a time to be advertised by Mr. William Murray, of Girvan, writer, ten days at least, and in his default by some person appointed by the Board of Trade, three days at least, before the day of meeting, by hand-bills posted in Girvan:

(2.) Annual meetings of the registered shipowners of Girvan for the election of Commissioners shall be held within the Town Hall of Girvan aforesaid, or at such other place within Girvan as the Commissioners from time to time appoint, on such day as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting, by hand-bills posted in Girvan:

(3.) All persons owners of vessels or shares in vessels registered at the Custom House of Ayr as belonging to the Port of Girvan, to the extent of ten registered tons or upwards, and having been possessed thereof for six months immediately previous to the date of election, and none others, shall have a voice or vote at every such meeting; and such shipowners, being so assembled, shall elect a preses and clerk, and those present shall, if required, satisfy the preses or clerk of his qualification, by the production of the register or registers of a vessel or vessels, or by the certificate of the collector or comptroller of the Customs of the Port of Ayr; and for every such certificate the collector or comptroller, on delivery of the same, shall be entitled to a fee not exceeding two shillings and sixpence from the person requiring the same:

(4.) Each registered shipowner, qualified as aforesaid, shall be entitled to one vote, and no more, for each of the persons proposed to be elected Commissioners; and in case of an equality the preses shall be entitled to a casting vote; and a certificate of the election, signed by the preses, shall be forthwith transmitted to the clerk of the Commissioners, and shall be conclusive evidence of the persons or person thereby appearing to have been elected having been elected:

(5.) Such one of the Commissioners elected by shipowners at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be re-eligible; the remaining one shall go out of office at the third meeting, but shall be re-eligible:

(6.) Each Commissioner elected by the registered shipowners of Girvan at the second meeting, and at subsequent annual meetings, shall go out of office at the second meeting after his election, but shall be re-eligible:

(7.) Section Nineteen of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Incorporation of parts of 10 & 11 Vict. c. 16.

5. The Commissioners Clauses Act, 1847, so far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the

the Commissioners collectively and severally, subject to the following provisions :—

(1.) Sections six, seven, seventeen, and eighteen, and sections twenty to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order:

(2.) With reference to section thirty-nine of the same Act, the prescribed number (constituting a quorum) of the Commissioners shall be three:

(3.) Section fifty-four of the same Act shall not be incorporated with this Order:

(4.) With reference to section eighty-four of the same Act, the sum to be every year appropriated and set apart out of the rates as a sinking fund shall be not less than one fiftieth part of the principal monies borrowed, such appropriation to commence from the expiration of twelve months after full rates are exigible under this Order:

(5.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed.

Undertakers.

6. The Commissioners shall be the undertakers of the works authorized by this Order.

Commencement of Commissioners' powers.

7. The Commissioners shall be deemed fully constituted and incorporated, and shall commence to act under this Order, as soon as four persons have been appointed Commissioners in addition to the two appointed by this Order; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of any Commissioner, or by the want of qualification of any person acting as Commissioner, or by any informality in the appointment or election of any Commissioner.

Limits of Harbour.

8. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall comprise the works by this Act authorized, and the lands, foreshore, and sea contained within the same, and shall extend from the wooden bridge which crosses the Water of Girvan at or near Newton Kennedy down to and including the whole of the present harbour and quay walls, and to a distance of three hundred yards in a circle seaward from high-water mark at ordinary spring tides, the centre of the circle being a point at the entrance to the river midway between the extreme points of the proposed northern and southern piers.

Power to take lands by agreement.

9. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, and use such lands in and around Girvan Harbour as may be required for the proposed works, not exceeding in the whole five acres.

Incorporation of Lands Clauses Acts.

10. The Lands Clauses Consolidation (Scotland) Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to execute works.

11. Subject to the provisions of this Order, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, execute and maintain the works shown on the deposited plans and sections.

Description of works.

12. The works authorized by this Order comprise the following:—

(1.) The general deepening, improving, and enlarging of the Harbour of Girvan;

(2.) A pier on the south side of the said harbour extending from high-water mark seaward, a distance of three hundred and ninety feet or thereby;

(3.) A pier and harbour wall on the north side of the said harbour, commencing at a jetty belonging to the Maybole and Girvan Railway Company, and terminating at a point seven hundred feet or thereby seaward from the said jetty;

with all necessary quays, wharves, jetties, landing-places, approaches, warehouses, offices, sheds, weighing-machines, works, and conveniences connected with the proposed pier and wall.

Anchorage dues abolished, and Schedule of new rates.

13. The anchorage dues hitherto leviable in the existing harbour shall continue leviable for twelve months only from the commencement of the operation of this Order, and shall then cease to be levied; and thenceforth the Commissioners may demand and receive rates in respect of the vessels, persons, animals, and goods described in the Schedule to this Order, subject to the other provisions of this Order, and subject and according to the following provisions; namely,—

(1.) Until the Commissioners have expended the sum of six thousand pounds on works authorized by this Order they may demand and receive any rates not exceeding in each instance one half of those specified in the Schedule to this Order;

(2.) As soon as they have expended the sum of six thousand pounds on works authorized by this Order they may demand and receive rates not exceeding those specified in that Schedule;

(3.) If, however, within two years from the commencement of the operation of this Order, the harbour is not completed and fit for the reception at all jetties now existing, and at all quays and jetties to be constructed under this Order, of vessels capable of carrying two hundred tons of coals or other goods, then from the expiration of those two years the Commissioners shall not demand or receive any rates under this Order until the harbour is so completed and fit;

(4.) If, moreover, within three years from the commencement of the operation of this Order, the harbour is not completed and fit for the reception, at all jetties now existing and at all quays and jetties to be constructed under this Order, of vessels capable of carrying three hundred tons of coals or other goods, then from the expiration of those three years the Commissioners shall not demand or receive any rates under this Order until the harbour is so completed and fit;

(5.) The Board of Trade may, nevertheless, if they think it expedient, extend the said period of three years for any time or times not exceeding in the whole one year.

Evidence of expenditure, &c.

14. A certificate under the hand of the sheriff of the county of Ayr shall be conclusive evidence that the sum of six thousand pounds has been expended as aforesaid, or that the harbour is completed and fit as aforesaid (as the case may

may require); and the sheriff shall sign and give such certificate on proof being adduced to him of the expenditure, or of the completion and fitness, required to be certified.

Certain fishing vessels under stress of weather exempt from rates.

15. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Customs Officers.

16. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and out of the harbour and the works of the Commissioners by land and with their vessels and otherwise without payment.

Abolition of anchorage and other rights.

17. From and after the expiration of twelve months from the commencement of the operation of this Order all rights of the Duchesse de Coigny, in respect of the custom of anchorage in Girvan Harbour, and any other right, privilege, or custom in, over, or affecting Girvan Harbour or the waters thereof, so far as the same may interfere with the rights, powers, or duties of the Commissioners, shall be abolished, but nothing in this Order shall apply to or in any manner affect any agreement now subsisting between the said Thomas Francis Kennedy and the Maybole and Girvan Railway Company.

Borrowing power.

18. The Commissioners may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of fifteen thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates authorized by this Order, or of any of those particulars, or of any other the property of the Commissioners; and any money borrowed under this Order and discharged otherwise than by means of the sinking fund, may be re-borrowed, if required for the purposes of this Order, and so toties quoties.

Money to be applied for purposes of Order.

19. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and income.

20. The Commissioners shall apply all money received by them from the rates authorized by this Order, and all other income coming into their hands in respect of the works authorized by this Order, or from lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

(1.) In paying year by year the expenses of the maintenance, management, and regulation of the works authorized by this Order, and of the lands and property connected or used therewith:

(2.) In paying off a debt or debts due to the said Duchesse de Coigny, and not exceeding in the whole the sum of six hundred pounds, the exact amount of which (not exceeding that sum) is to be ascertained by a single referee to be named by the Sheriff Substitute of the county of Ayr at Ayr:

(3.) In paying a sum of twenty-five pounds in every year after the expiration of twelve months from the commencement of the operation of this Order to the said Duchesse de Coigny, or the heir of entail

entail in possession for the time being of the said estate of Bargany, as compensation for the said custom of anchorage:

(4.) In paying year by year the interest accruing on money borrowed under the authority of this Order, and any sum payable on account of the principal thereof:

(5.) In expending the surplus (if any) towards the deepening and improvement and general purposes of the Harbour.

Commissioners may provide engines, lighters, &c.

21. The Commissioners may for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit, and may from time to time, as they think fit, sell and dispose of any such dredges, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of this Order, or some of them.

Pilotage, lights, buoys, and beacons.

22. The Commissioners shall be a pilotage authority and local authority within the meaning of The Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Meters and weighers.

23. The Commissioners shall have the appointment of meters and weighers within the limits of the harbour.

Lands for extraordinary purposes.

24. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole one acre.

Exception of parts of Harbours Clauses Act.

25. Sections sixteen, seventeen, eighteen, nineteen, twenty-five, and twenty-six of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Confirmation of Byelaws, and provision for management of Harbour.

26. Any byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed by the Board of Trade, which allowance shall be sufficient as confirmation thereof for all purposes; and it shall not be lawful for the Harbour Master by virtue of section fifty-two of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as he or they may be expressly authorized by the byelaws to do so.

Saving for rights of third parties.

27. Nothing in this Order shall confer on or confirm to the said Duchesse de Coigny, her heirs, executors, administrators, successors, or assigns, or on or to the said Thomas Francis Kennedy, his heirs, executors, administrators, successors, or assigns, any estate, right, title, or interest in any property or thing, or affect the estate, right, title, or interest (if any) of any person claiming any property or thing adversely to the said Duchesse, her heirs, executors, administrators, successors, or assigns, or to the said Thomas Francis Kennedy, his heirs, executors, administrators, successors, or assigns.

Costs of Order.

28. The Commissioners shall pay the costs of and connected with the obtaining, preparation, and making of this Order out of the first money which comes to their hands under this Order.

Short Title.

29. This Order may be cited as The Harbour of Girvan Improvement Order, 1865.

SCHE-

SCHEDULE to which the foregoing Order refers.

TABLE I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR FOR SHIPPING, UNSHIPPING, OR TRANSHIPPING GOODS OR PASSENGERS.

		s.	*d.*
	For every vessel under the burden of fifteen tons, per register ton	0	2
	For every vessel of the burden of fifteen tons and upwards, per register ton	0	4
	For every vessel remaining in the harbour beyond one month, for each additional month, per register ton, every fraction of a month being considered as one month	0	2
	All boats entirely open landing or taking on board goods, each time	0	6
	All open boats belonging to the harbour engaged in the fishery on the coast, yearly	2	6

TABLE II.—RATES ON ANIMALS AND GOODS SHIPPED, UNSHIPPED, OR TRANSHIPPED WITHIN THE HARBOUR.

		s.	*d.*
	Apples - per bushel	0	0½
	Ale - per hogshead	0	2
	Ale, bottled - per barrel bulk	0	1
	Bark - per ton	0	8
	Beef or pork - per ton	0	8
	Beef or pork - per barrel	0	1
	Blubber - per tun of 252 gallons	1	0
	Bone dust - per ton	0	6
	Bones of cattle - per ton	0	4
	Bottles - per gross	0	2
	Bricks - per 1,000	0	8
	Casks, empty, not being returned packages - per puncheon Other casks in proportion.	0	1
	Cattle:—		
	Bulls - each	0	3
	Cows and oxen - each	0	2
	Calves - each	0	0½
	Horses - each	0	2
	Pigs - each	0	0½
	Sheep - per score	0	6
	Lambs - per score	0	3
	Chalk - per ton	0	3
	Chimney cans - per hundred	1	0
	Clay, fire, manufactured - per ton	0	6
	Clay, common - per ton	0	2
	Cloth, haberdashery, &c. - per barrel bulk	0	1
	Coaches:—		
	Chaises and other four-wheeled carriages - each	0	8
	Gigs, carts, and other two-wheeled carriages - each	0	6
	Coals, Scotch, English, smithy, and culm - per ton	0	2
	Copper - per ton	0	6
	Corks - per barrel bulk	0	1

		s.	d.	
Corn:—				
Wheat and malt	per ton	0	5	
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn	per ton	0	5	5
Crystal	per barrel bulk	0	1	
Dissolved bones, and other artificial manure	per ton	0	5	
Dogs, sporting only	each	0	1	
Drugs	per barrel bulk	0	1	
Draff	per ton	0	5	10
Earthenware	per crate	0	4	
Eggs	per barrel bulk	0	1	
Fish, dried and salted	per ton	0	5	
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0	1	15
Flax	per ton	0	8	
Flour	per ton	0	5	
Ditto	per barrel	0	0½	
Glass	per barrel bulk	0	1	
Groceries:—				20
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	1	
Guano	per ton	0	5	
Gunpowder	per barrel	0	2	
Hardware	per barrel bulk	0	1	25
Hares and rabbits	per barrel bulk	0	1½	
Any less quantity		0	1	
Hay, if compressed	per ton	0	6	
Hay, not compressed	per ton	0	8	
Hemp	per ton	0	10	30
Herrings:—				
Fresh	per cran	0	1	
Cured	per barrel	0	1	
Hides:—				
Ox, cow, or horse, salted or dried	per ton	0	8	35
Calf skins	per 120	0	4	
Sheep skins	per 120	0	4	
Lamb skins	per 120	0	2	
Hoops of wood	per ton	0	6	
Household Furniture:—				40
New	per barrel bulk	0	1	
Belonging to parties changing their residence only	per 10 barrels bulk	0	6	
Husbandry utensils	per ton	0	6	
Ditto	per barrel bulk	0	1	45
Iron:—				
Bar, bolt, and rod	per ton	0	4	
Pig or old	per ton	0	2	
Kelp	per ton	0	4	
Lead, all kinds	per ton	0	6	50
Leather, tanned and dressed	per ton	0	8	
Lime	per ton	0	2	
Loam, or moulding sand	per ton	0	2	
Machinery	per ton	0	6	
Machinery	per barrel bulk	0	1	55
Manure, street	per ton	0	2	
Meal	per ton	0	5	
Milk	per 3 large pitchers	0	0½	
Musical instruments	per barrel bulk	0	1	

		s.	d.
	Oils - - - - - - - per ton	0	6
	Ores:—		
	Copper, iron, lead, and other ores - - - per ton	0	2
5	Passengers' luggage, not exceeding 4 barrels bulk, free. All above 4 barrels bulk - - - - - - per barrel bulk	0	1
	Peats - - - - - - - per ton	0	2
	Pitch - - - - - - - per barrel	0	1
	Porter - - - - - - per hogshead	0	2
10	Porter, bottled - - - - - per barrel bulk	0	1
	Potatoes - - - - - - per ton	0	3
	Poultry, including pigeons, game, &c. - - per barrel bulk	0	1
	Any less quantity - - - - - -	0	0½
	Rags, linen - - - - - - per ton	0	6
15	Other rags, old ropes, and the like - - - per ton	0	6
	Rape cakes - - - - - - per ton	0	5
	Salt - - - - - - - per ton	0	3
	Seeds:—		
	Flax and rape - - - - - per ton	0	6
20	Clover - - - - - - per ton	0	6
	Garden - - - - - - per ton	0	6
	Hemp and canary - - - - - per ton	0	6
	Ryegrass - - - - - - per ton	0	6
	Skins, seal - - - - - - per 120	0	8
25	Slates - - - - - - - per ton	0	4
	Spirits, foreign and British - - per hogshead of 56 gallons	0	6
	Stones:—		
	Freestone, pavement, and granite, per ton of 16 cubic feet -	0	2
	Scythe stones - - - - - - per ton	0	6
30	Millstones - - - - - - each	0	4
	Limestones, and other stones - - - - per ton	0	1
	Steel - - - - - - - per ton	0	6
	Sugar - - - - - - - per ton	0	6
	Tallow - - - - - - - - per ton	0	6
35	Tar - - - - - - - per barrel	0	0¾
	Tea - - - - - - - - per chest	0	1
	Tiles, roofing - - - - - - per ton	0	4
	Tiles, or pipes, for draining - - - - - per ton	0	4
	Tin of all kinds - - - - - - per ton	0	6
40	Tobacco - - - - - - - per ton	0	8
	Treenails under 2 feet in length - - - - per 1,000	0	4
	Treenails exceeding 2 feet in length - - - per 1,000	0	8
	Turnips - - - - - - - per ton	0	2
	Turpentine - - - - - - per hogshead	0	2
45	Vegetables - - - - - - per cartload	0	2
	Vinegar - - - - - - per hogshead	0	2
	Vitriol - - - - - - - per carboy	0	1
	Whalebone - - - - - - - per ton	0	8
	Wine - - - - - - - per hogshead	0	4
50	Wine, bottled - - - - - - per barrel bulk	0	1
	Wood:—		
	Fir, pine, and other descriptions not enumerated, per load of 50 feet, calliper measure - - - - -	0	4
	Oak or wainscoat, per load of 50 feet do. - - -	0	6
55	Firewood - - - - - - per fathom	0	6
	Laths and lathwood, per fathom of 216 cubic feet - -	0	8
	Handspokes - - - - - - per 120	0	6
	Oars - - - - - - per 120	1	0

		s.	d.
Wood—*continued.*			
Spars under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter	per 120	1	0
Spars $2\frac{1}{2}$ inches in diameter, and under	per 120	0	9
Spars 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	2	6
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	5	4
Spokes of wheel, not exceeding 2 feet in length	per 120	0	2
Spokes exceeding 2 feet in length	per 120	0	3
Wedges	per 1,000	0	6
Pipe staves, and others in proportion	per standard hundred	0	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	0	6
Wool	per cwt.	0	$0\frac{1}{2}$
Yarn	per ton	0	10
Zinc	per ton	0	6

All other goods not particularized above.

Light goods	per barrel bulk	0	1
Heavy goods	per ton	0	6

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half cwt., then two and a half cwt. to be rated as a barrel bulk.

TABLE III.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, WAREHOUSES OR SHEDS, HURRIES, HAWSERS, &c.

I.—*Rates for Craneage.*

		s.	d.
For all goods or packages not exceeding 1 ton		0	3
„ exceeding 1 ton, and not exceeding 2 tons		0	4
„ „ 2 tons „ 3 tons		0	6
„ „ 3 tons „ 4 tons		0	8
„ „ 4 tons „ 5 tons		0	10
„ „ 5 tons „ 6 tons		1	0
„ „ 6 tons „ 7 tons		1	2
„ „ 7 tons „ 8 tons		1	4
„ „ 8 tons „ 9 tons		1	8
„ „ 9 tons „ 10 tons		2	0
„ „ 10 tons		3	0

II.—*Dues for Weighing Machines.*

For goods weighed 1*d.* for each ton or part of a ton.

III.—*Warehouse or Shed Dues.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the warehouse or sheds, or on the quays of the harbour, for a shorter time than 48 hours, the sum of 2*d.*; and the sum of $1\frac{1}{2}$*d.* per ton for each day during which such goods shall remain after the first 48 hours.

IV.—*Dues*

IV.—*Dues for Hurries.*

For each ton of goods of 20 cwt. shipped by means of the hurries, ½*d.* per ton.

V.—*Hawser Dues.*

For every vessel under the burden of 100 tons using any hawser the property of the trustees, 6*d.* per vessel; for every vessel of the burden of 100 tons or upwards, 1*s.* per vessel.

VI.—*Pilotage Dues.*

	s.	*d.*
Coasting vessels, per register ton - - - -	0	1½
Oversea vessels - - - - - - - -	0	2

VII.—*Rates for Planks and Shutes.*

Vessels under the burden of 20 tons to be exempt.

	Per Vessel. *s.*	*d.*
For every vessel of the burden of 20 tons and not exceeding 25 tons -	0	6
For every vessel exceeding the burden of 25 tons but not exceeding 100 tons - - - - - -	1	0
For every vessel of the burden of 100 tons and upwards - - -	2	0

VIII.—*Rates for Towing Vessels.*

	Per Ton. *s.*	*d.*
For every vessel registering 40 tons or upwards, coming into or going out of the harbour - - - - - -	0	1

Vessels to be towed for the above rates from or to half a mile beyond the present pier-head of the harbour.

TABLE IV.—RATES ON PASSENGERS, &c.

	s.	*d.*
For every passenger landing on or embarking from any of the piers, quays, and jetties from or on any steam vessel, for every time -	0	2

MEVAGISSEY.

Order to enable the Trustees of the Pier and Harbour of Mevagissey, in the County of Cornwall, to construct new Piers and Wharves, and extend the Harbour, and for the Maintenance and Regulation of the Piers and Harbour.

1. The Act described in Schedule A. to this Order (hereafter in this Order called the Local Act), shall cease to be of any validity or force whatsoever; but all debts and money due from or to the trustees under that Act, or from or to any persons on their behalf, shall be payable and paid to the trustees incorporated by this Order, and all tolls, rates, duties, and money due or payable by virtue of that Act from or to the trustees thereunder, shall be due or payable from or to the trustees incorporated by this Order, and shall be recoverable from or by the last-mentioned trustees by the same ways and means, and subject to the same conditions, as the same would or might have been recoverable from or by the trustees under that Act, if it had not been repealed. Act 15 Geo. 3. to cease to operate.

Incorporation of Trustees.

2. The existing trustees under the said Local Act, and their successors, to be qualified, elected, or appointed as hereafter in this Order provided, shall be and are hereby for the purposes of this Order, incorporated by the name of The Trustees of Mevagissey Harbour, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, ho d, and dispose of land and other property for the purposes of the undertaking, but subject to the restrictions of this Order; and in this Order the term "the trustees" means the trustees of Mevagissey Harbour by this Order incorporated.

Permanent Trustees.

3. The several persons for the time being seised of the freehold or inheritance of the several houses following; namely,—of Carhayes, in the Parish of St. Michael Carhayes; of Trewarthenick, in the Parish of Cornelly; of Penrice, in the Parish of St. Austell; and of Heligan, in the Parish of St. Ewe;—and the Vicar of Mevagissey for the time being, shall be trustees.

Elected Trustees.

4. All persons for the time being seised of the freehold or inheritance of any lands, tenements, or hereditaments (except those possessed of a freehold under a lease granted for a life or lives absolute, with a reserved yearly rent payable out of the same), within the town and parish of Mevagissey, of the clear yearly value of ten pounds above reprizes; and all persons inhabitants of the town of Mevagissey, possessed of or entitled to real or personal estate of the value of five hundred pounds; and all persons inhabitants of the town of Mevagissey rated to the poor rate in the annual sum of fifteen pounds, shall be qualified to be elected trustees.

Number of elected Trustees.

5. The number of elected trustees shall not exceed nine.

Election of Trustees.

6. Whenever a vacancy occurs in the number of the elected trustees, either existing under the said Local Act or elected under this Order, the trustees shall at a special meeting appointed for the purpose elect another qualified person to be a trustee, and so toties quoties.

Appointment of Trustees by Board of Trade.

7. The Board of Trade may appoint two persons to be trustees, and whenever a vacancy occurs in the office of either of those two trustees, by death, resignation, or otherwise, may appoint another person to fill the vacancy, and so toties quoties.

Incorporation of Commissioners Clauses Act.

8. The Commissioners Clauses Act, 1847, except so much thereof as relates to the election and rotation of Commissioners, is hereby incorporated with this Order, and for the purposes of this Order the expression "the limits of the special Act," used in that Act, shall mean the town of Mevagissey.

Quorum of Trustees.

9. The quorum of a meeting of the trustees shall be seven.

Annual meeting.

10. The annual meeting of the trustees shall be held between the 10th of April and the 10th of May, both exclusive.

No Trustee to have any place of profit.

11. Any person who at any time after his appointment or election as a trustee accepts or continues to hold any office or place of profit under this Order shall thenceforth cease to be a trustee, and his office shall thereupon become vacant.

12. All

Existing works and property vested in the incorporated Trustees.

12. All the existing piers, quays, wharfs, docks, and other works in and near the harbour of Mevagissey, and the ground and soil thereof, and all sums of money, rates, tolls, duties, and other property, rights and powers, vested in or belonging to the existing trustees, are hereby transferred to and vested in the trustees incorporated by this Order, for the purposes of this Order, and possession thereof may be taken or recovered accordingly.

Power to take specified lands by agreement.

13. For the purposes of the works authorized by this Order, the trustees may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plan as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

14. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase or taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to make works.

15. Subject to the provisions of this Order, the trustees may, on the lands vested in or purchased or taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and section, make, execute, and maintain the works shown on the deposited plan, and herein-after described.

Description of principal works.

16. The works authorized by this Order comprise the following:—

(1.) A breakwater, containing a surface area of about two acres;—the sea side extending from the outer part of a rock called Benny's Island to the outer part of a rock called the Black Rock, about 480 feet long;—the harbour side extending from that part of the eastern arm and wharf of the present pier which adjoins the Gurnets to the Black Rock, about 480 feet;—and an arm and wharf about 400 feet long, extending from the Black Rock (and being a continuation of the said breakwater) in a southerly direction:

(2.) An extension of the eastern end of the present northern wharf for about 165 feet, so as to connect it with the eastern arm and wharf of the present pier:

(3.) A short arm about 219 feet in length, extending in a north-easterly direction from a point called Point Stuckham:

(4.) A wharf about 120 feet long, to connect the present northern wharf with the jetty called the Jetty Head:

(5.) A wharf about 99 feet long to connect the said jetty with the present western wharf:

(6.) A wharf extending along the western side of the harbour under the cliff from the base of the said short arm until it meets the western wharf of the present pier, near the doorway called the Quay Door, about 849 feet in length.

Incidental works.

17. The trustees may also make, execute, and maintain the following works:—

(1.) All piers, jetties, landing places, roads, steps, approaches, embankments, and other works and conveniences connected with the wharves, quay, pier, or breakwater aforesaid, for the reception and accommo-

dation of vessels and their cargoes, and for the embarking and landing of persons, fish, animals, and goods:

(2.) The sufficient and effectual dredging, scouring, cleansing, and removing of any banks of sand or mud within or adjoining any of the works aforesaid, or in the approach to the harbour.

Removal of existing works.

18. The trustees may, from time to time, on the completion of the aforesaid extension of the northern wharf, and such portions of the breakwater and outer arm adjoining the said breakwater as are marked on the plan C to D and E to F, remove such portions of the present works as they deem necessary for the convenience and improvement of the inner harbour, and use or dispose of the materials thereof.

Blasting, Dredging, &c.

19. The trustees may blast, cut, dig, dredge, scour, cleanse, and remove the rocks, sand, clay, mud, and other substances within the limits of the piers and harbour vested in them by this Order, and to be constructed by them under the powers thereof, and of the approaches thereto.

Trustees may levy dues.

20. With respect to dues the following provisions shall have effect:—

(1.) From the commencement of the operation of this Order, until the completion of such portions of the breakwater and extension aforesaid as are marked on the plan from C to D, and from E to F, and from G to H, the trustees may demand, receive, and recover, for the use of the existing works, and all additional works constructed within the limits of the present piers or harbour, on all vessels, fish, goods, animals, merchandise, and things resorting to and landing at, or loaded or unloaded at or using the same, one moiety or half part of the dues specified in Schedules B. and C. to this Order, and the full dues specified in Schedule D. to this Order.

(2.) If, however, the contract for the execution of those works is not entered into within three years after the commencement of the operation of this Order, the Board of Trade may reduce the amount of the said dues (except the dues specified in section 1. of Part I. and section 8. of Part II. of the said Schedule B.) in such proportion as they think fit, such reduction to continue until the trustees have entered into such contract, such dues, nevertheless, not to be so reduced as to give a less amount in the whole than would be obtained from the dues now taken under the said Local Act.

(3.) After the completion of such portions of the breakwater and extension aforesaid as are marked on the plan from C to D, and E to F, and from G to H, (of which notice shall be given by the trustees in the London Gazette,) the trustees may demand, receive, and recover, in respect of all vessels, goods, animals, merchandise, and things resorting to and landing at, or loaded or unloaded at or using the present piers or harbour, or the wharves, quays, piers, or other works authorized to be constructed by this Order within or beyond the limits of the present pier or harbour, the full rates, dues, and duties specified in Schedules B, C, D, and E to this Order.

(4.) In order that the trustees may levy the full dues specified in Schedules B, C, D, and E to this Order, it shall not be necessary for the

the trustees to commence any other works than the breakwater and outer arm adjoining, and the extension of the northern wharf aforesaid.

Certain fishing vessels under stress of weather exempt from dues.

21. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour and works authorized by this Order, or of any part of the harbour and works for the time being vested in the trustees, and not breaking bulk while making use thereof, be exempt from dues leviable under this Order.

Limits of Harbour-master's authority.

22. The limits within which the authority of the trustees and of their harbour master may be exercised for the levying of dues authorized by this Order shall be the old pier and the new piers and harbour, and the works and lands vested in the trustees adjoining and near to the old pier and new piers and harbour; and the limits within which the authority of the trustees and of the harbour master may be exercised, for the regulation of the harbour and of the anchorage of vessels lying off the harbour, and for preventing vessels from in any way obstructing the shooting of seans or injuring them when in the water, shall extend to and include the harbour and Mevagissey Bay from high-water mark to within a straight line drawn from low-water mark at Chapel Point, to low-water mark at Penare Point, as laid down on the Admiralty chart.

Application of dues, &c.

23. The dues received under this Order, and all sums of money in the nature of revenue or income vested in the trustees by this Order, shall be applied by the trustees in the manner and order following, and not otherwise:

(1.) In payment to the person or persons the possessor or possessors of Nanswhydden and manors of Mevagissey, in the county of Cornwall, of the yearly rent-charge of ten pounds, which is now payable to him or them under the said Local Act, such rent-charge to be paid by two equal half-yearly payments on the twenty-fourth day of June and the twenty-fifth day of December in every year.

(2.) In advancing and paying on account of capital the expenses of applying for and obtaining this order, and preparatory or incident thereto.

(3.) In paying the expenses of the maintenance, management, and regulation of the existing piers and the new works authorized by this order, and incident thereto.

(4.) In paying the interest of the money borrowed and for the time being owing under the authority of the said Local Act.

(5.) In paying the interest of money borrowed under the authority and for the purposes of this Order, and providing the sinking fund required by this Order.

(6.) In or towards execution of the works by this Order authorized, and in further improving the existing harbour and works for the time being.

(7.) Any surplus of the revenue of the trustees shall be applied in paying off the principal sum then owing on the credit of the said undertaking.

Power to borrow.

24. The trustees may borrow at interest on the credit of the whole dues leviable by them, and of the property for the time being vested in them, any sum or sums of money not exceeding in the whole the sum of twenty-one thousand five hundred pounds.

Re-borrowing.

25. The trustees may from time to time re-borrow any money borrowed under this Order and discharged otherwise than by means of the sinking fund.

Existing mortgages.

26. Nothing in this Order shall affect any mortgage granted by the trustees before the commencement of the operation of this Order, and then subsisting; and every such mortgage, while subsisting, shall have priority over any mortgage granted under this Order.

Power to borrow to pay off money owing under Local Act.

27. For the purpose of enabling the trustees to pay off the principal sums, amounting to two thousand eight hundred and ten pounds, now owing under the said Local Act, and of getting rid of the priority attached thereto, they may re-borrow the said sum of two thousand eight hundred and ten pounds in such sums and at such times and on such terms as they think fit, and may secure the same, with interest, by mortgages of the dues leviable by and property vested in them under this Order, and such mortgages shall rank pari passu with the mortgages to be granted for securing the said sum of twenty-one thousand five hundred pounds or any part thereof, and any sums of money raised by the trustees under this power shall be applied only in paying off principal moneys owing under the said Local Act, and such principal moneys may be paid off by the trustees in such order, proportions, and manner as the trustees think fit.

Receiver.

28. The mortgagees of the trustees may enforce the payment of arrears of interest, or arrears of principal and interest, due on their respective mortgages, by the appointment of a receiver, and the amount to authorize a requisition for a receiver shall be one thousand pounds.

Trustees to apply money.

29. The trustees shall apply the said twenty-one thousand and five hundred pounds, and all money borrowed on account thereof under this Order, and all principal sums arising from the sale of superfluous lands transferred to them by this Order, in the manner and order following, and not otherwise:—

(1.) In paying the expenses of and incident to the applying for and making of this Order, or in repaying to the revenue account of the trustees the sum of money advanced for this purpose:

(2.) In purchasing lands for and constructing the several works by this Order authorized and incident thereto:

(3.) In and towards executing any additional or other works which the trustees may think expedient for carrying into effect the objects of this Order.

Reduction of dues.

30. After the completion of all the works authorized by this Order, and after payment of all principal sums of money owing by the trustees under the said Local Act, and of all principal sums borrowed for the purposes of this Order, only such rates, dues, and duties shall be levied by the trustees as shall be authorized by the Board of Trade, and be sufficient for the punctual payment of the aforesaid annual rent-charge of ten pounds, the maintenance of the works, the providing all necessary materials for carrying on the business of the port

port within the limits of the works vested in the trustees, and for the management of the pier and harbour, and incident thereto.

Parts of Harbours Clauses Act not incorporated.

31. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, namely, 16, 17, 18, 19, 25, and 26, shall not be incorporated with this Order.

Steam vessels, lighters, &c.

32. The trustees may lay down such tramways, and provide such waggons, carts, barrows, steam engines, steam and other vessels, steam and other dredges, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery as they think necessary for the purposes of the port and harbour, and may demand and receive for the use of the same such sums as they think reasonable.

Meters and weighers.

33. The trustees shall have the appointment of meters and weighers within the limits of the harbour and pier and the works and lands vested in them adjoining or near to the harbour and pier.

Byelaws.

34. Any byelaws made under this Order, and The Harbours, Docks, and Piers Clauses Act, 1847, (for the purposes of which Act this Order shall be deemed the Special Act,) shall not come into operation until allowed and confirmed by the Board of Trade, which allowance shall be sufficient as confirmation for all purposes.

Lands for extraordinary purposes.

35. The trustees shall not purchase for extraordinary purposes land exceeding in extent in the whole two acres.

Custom-house officers exempt from tolls.

36. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, through, and from the pier and harbour and works for the time being vested in the trustees, by land, and with their vessels and otherwise, without payment.

Short title.

37. This Order may be cited as The Mevagissey Harbour Order, 1865.

SCHEDULE A. to which the foregoing Order refers.

15 Geo. 3. c. 62.	An Act for completing and maintaining the Pier at the Town of Mevagissey in the County of Cornwall.

SCHEDULE B. to which the foregoing Order refers.

PART I.

DUES FOR BOATS AND VESSELS ENTERING OR USING THE HARBOUR OR PIERS, OR WORKS VESTED IN THE TRUSTEES, AT ANY TIME DURING THE YEAR.

	s.	*d.*
1. For every open boat and fishing boat or fishing vessel, wholly or partially decked, and yacht belonging to the port (with the exception of sean boats, followers and lurkers), a yearly sum (to be considered as due on the thirty-first day of December in each year) according to length as per the following scale.		
Not exceeding 15 feet in length - - - - -	3	0
Exceeding 15 feet, and not exceeding 16 feet in length - - -	3	6
„ 16 „ 17 „ - - -	4	0
„ 17 „ 18 „ - - -	4	6
„ 18 „ 19 „ - - -	5	0
„ 19 „ 20 „ - - -	5	6
„ 20 „ 21 „ - - -	6	0
„ 21 „ 22 „ - - -	6	6
„ 22 „ 23 „ - - -	7	0
„ 23 „ 24 „ - - -	7	6
„ 24 „ 25 „ - - -	8	0
„ 25 „ 26 „ - - -	8	6
„ 26 „ 27 „ - - -	9	0
„ 27 „ 28 „ - - -	9	6
„ 28 „ 29 „ - - -	10	0
„ 29 „ 30 „ - - -	10	6
„ 30 „ 31 „ - - -	11	0
„ 31 „ 32 „ - - -	11	6
„ 32 „ 33 „ - - -	12	0
„ 33 „ 34 „ - - -	12	6
„ 34 „ 35 „ - - -	13	0
„ 35 „ 36 „ - - -	13	6
„ 36 „ 37 „ - - -	14	0
„ 37 „ 38 „ - - -	14	6
„ 38 „ 39 „ - - -	15	0
„ 39 „ 40 „ - - -	15	6
„ 40 in length - - - - -	16	0
For every gig, rowing four or more oars, and belonging to the port, at per foot - - - - - -	0	4
The measurement of all open boats, fishing boats or fishing vessels, wholly or partially decked, yachts and gigs, to be taken over all from the fore part of the stem to the after part of the stern post.		
2. For every open boat and fishing boat, or fishing vessel, wholly or partially decked, or yacht not exceeding twenty feet in length, belonging to the port (excepting sean boats, followers and lurkers), carrying any description of drift, moored trawl or other net or nets (with the exception of any such boat or vessel carrying a net not exceeding thirty fathoms in length, and four fathoms in depth, or a trammel net, and carrying only one such net), a yearly sum to be considered as due on the thirty-first day		

	s.	d.
day of December in each year, at the rate of double the rates respectively chargeable by the foregoing scale as aforesaid, exceeding twenty feet in length at the rate of four times the rates respectively chargeable by the foregoing scale as aforesaid.		
3. For every open boat and fishing boat, or fishing vessel, wholly or partially decked, or yacht belonging to the port, carrying a trammel net, or any other net not exceeding thirty fathoms in length and four fathoms in depth, and carrying only one of each of such nets (in addition to the rates respectively chargeable by the foregoing scale), a yearly sum to be considered as due on the thirty-first day of December in each year, at the rates following:—		
For a trammel net - - - - - -	2	0
For any other net not exceeding fifty fathoms in length and four fathoms in depth - - - - - -	1	0
A boat or vessel carrying one of each of such nets to pay both the last-mentioned yearly sums.		

Large Seans.

4. For every large pilchard sean belonging to the port (to consist of not more than one sean boat, one follower and one lurker, carrying any description of sean or seans), the yearly sum (to be considered as due on the thirty-first day of December in each year) of - - - - - -	63	0
5. For every person employed or acting as a seaner on board such large sean boat, follower and lurker, or other boat belonging to such sean, the yearly sum (to be considered as due on the thirty-first day of December in each year) of - - -	2	6
Which yearly sum of two shillings and sixpence the master seaner, or agent, or owner of every such sean and boats, is hereby authorized to deduct and retain out of the first wages or share of every such person, and for the payment of which the owner or owners of such sean and boats are hereby made responsible.		

Small Seans.

6. For every small pilchard sean belonging to the port (to consist of not more than one sean boat, one follower and one lurker, carrying any description of pilchard, mackerel, herring, or ground sean or seans), the yearly sum (to be considered as due on the thirty-first day of December in each year) of - -	32	6
7. For every small sean belonging to the port (to consist of not more than one sean boat and one follower, carrying mackarel, herring, or ground seans only), the yearly sum (to be considered as due on the thirty-first day of December in each year) of -	16	0
8. Every additional boat belonging to such large or small seans to be paid for according to the length at the rate first before mentioned.		
The trustees may, from time to time, if and when they think expedient, levy, receive, and recover all or any or either of the before-mentioned yearly sums by four equal quarterly payments on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year, notwithstanding that the same are herein-before expressed to be considered as due on the thirty-first day of December in each year.		

	s.	*d.*
9. For every open boat not belonging to the port, for each day of twenty-four hours, or part thereof	1	0
For every additional successive day of twenty-four hours, or any part thereof	0	2 5
10. For every fishing boat or fishing vessel or yacht, wholly or partially decked, not belonging to the port, for each day of twenty-four hours, or any part thereof	2	0
For every additional successive day of twenty-four hours, or any part thereof	0	4 10
11. For every open boat and fishing boat, or fishing vessel wholly or partially decked, yacht and sean, not belonging to the port, if compounded for, the following proportions (payable in advance) of the rates respectively chargeable for one year for similar boats, vessels, or seans, belonging to the port, namely:—		15
For not exceeding twelve months, one-half:		
For not exceeding six months, one-third:		
For not exceeding three months, one-quarter:		
And every such composition shall date from one of the usual quarter days.		20
Every open boat and fishing vessel of any description belonging to the port shall have her name and number painted in her stern, in letters not less than two inches in length, and her number shall be regulated by the harbour master in case she has no number appointed by Her Majesty's Customs.		25

PART II.

Dues on other Vessels entering or using the Pier or Harbour, or Works vested in the Trustees.

Tonnage Rates. 30

Outward Charges.

1. For every vessel clearing for any port or place, per register ton	0	4

Inward Charges.

2. For every vessel with a cargo from any port or place, per register ton	0	4	35
3. For every vessel entering the harbour for the sole and exclusive purpose of delivering or unloading ballast, per register ton	0	2	
4. For every vessel, light or in ballast, entering the harbour for shelter or windbound, per register ton	0	2	
5. For every vessel in cargo entering the harbour for shelter or windbound, per register ton	0	3	40
6. For every lighter or vessel landing or shipping goods or ballast from or to any vessel not entering the harbour, for each trip, per register ton	0	2	
7. For every boat entirely open, landing or taking on board goods or ballast from or to any vessel in the bay, not entering the harbour, for each trip	0	6	45
8. For every vessel which shall remain in the pier or harbour, or lie alongside or use any wharf, jetty, breakwater, or landing-place vested in the trustees, for any longer time than twenty-one days, the additional rate for each week or part of a week, per register ton of	0	1	50

PART III.

PART III.

Ballast Dues.

	s.	d.
For every ton of ballast discharged, landed, shipped, or transhipped -	0	6
Every vessel discharging her ballast for the purpose of being overhauled or repaired, provided a notice in writing to that effect be first given to the harbour master, only to pay on discharging, and not on taking in the same quantity.		

Schedule C. to which the foregoing Order refers.

	s.	d.
Abbathaw lime, burnt, per cwt. - - - - - -	0	1
„ ground, per cwt. - - - - -	0	2
Acid water, acid vegetable or mineral, per pipe - - - -	1	0
„ „ per hogshead - - -	0	10
„ „ per barrel - - -	0	8
„ „ per kilderkin - - -	0	6
„ „ per firkin - - -	0	4
„ „ per jar - - -	0	2
„ „ per cwt. - - - -	0	4
„ in quart bottles, per dozen - - - -	0	2
„ in pint bottles, per dozen - - - -	0	1
Acorns, per ton - - - - - - -	1	8
Agates, per package - - - - -	1	6
Alabaster, rough, per ton - - - - -	1	8
„ worked, per cwt. - - - -	1	0
Ale, beer, porter, cider, or perry, per butt or pipe - - -	1	6
„ „ „ per hogshead - - -	0	9
„ „ „ per barrel - - - -	0	4
„ „ „ per kilderkin - - -	0	3
„ „ „ per firkin - - - -	0	2
„ „ „ per jar - - - -	0	1
„ in quart bottles, per dozen - - - -	0	2
„ in pint bottles, per dozen - - - -	0	1
Alkali, per ton - - - - - - -	3	4
Alkanet root, per cwt. - - - - - -	0	4
Almonds, per ton - - - - - -	3	4
„ in boxes or barrels, per cwt. - - -	0	6
Aloes, per cwt. - - - - - -	0	6
Alum, per cwt. - - - - - -	0	4
Aluminium, per cwt. - - - - -	0	4
Alva Marina, or sea grass, per ton - - - - -	3	4
Amber and beads, per cwt. - - - - - -	2	0
„ rough, per cwt. - - - - -	0	4
Ambergris, per cwt. - - - - - -	2	0
Anacardium, or the cashew nut, per cwt. - - -	0	4
Anchors, per cwt. - - - - - -	0	4
Anchor stock, per foot run - - - - -	0	2
Anchovies, per cwt. - - - - - -	0	6
Angelica, per cwt. - - - - - -	0	4

	s.	d.
Animals:		
Asses, each	1	0
Boars, each	1	0
Bulls, each	2	0
Calves, each	0	6
Cows, each	1	0
Deer, each	2	0
Dogs, each	0	6
Foxes, each	0	6
Goats, each	0	6
Hares, per dozen	0	6
Horses, each	2	0
,, under 12 hands high, each	1	0
Lambs, each	0	2
Mules, each	1	6
Oxen, each	1	6
Pigs, each	0	6
Rabbits, per dozen	0	4
Sheep, each	0	4
Wild, large, each	10	0
,, small, each	5	0
Stuffed, half the rate of when living.		
Annatto, per cwt.	0	8
Aniseed, per cwt.	0	4
Antimony, per cwt.	0	4
Antimony ore, per ton	3	4
Anvils, per cwt.	0	2
Apples, per cwt.	0	2
Argol, per cwt.	0	4
Arrowroot, per cwt.	0	4
Arsenick, per cwt.	0	4
Arac. *See* Spirits.		
Asafœtida, per cwt.	0	6
Asbestos, per cwt.	0	4
Ashes:		
Barilla, per cwt.	0	2
Black, per cwt.	0	2
Bleaching, per cwt.	0	4
Common Irish, per cwt.	0	2
Pearl and Pot, per cwt.	0	4
Soda, per cwt.	0	2
Asphaltum, per cwt.	0	2
Bacon, pork, or hams, per cwt.	0	4
Bagging and bags, per cwt.	0	4
Bales, boxes, cases, casks, trusses, or other packages of cotton, linen, or woollen goods, per cwt.	0	4
Balsam, per cwt.	1	0
Bamboos. (See Canes, Ground Rattans.)		
Bananas, per cwt.	0	6
Barilla, per ton	3	4
Bark:		
Not specified, per ton	3	4
Tanner's, per ton	3	4
Medicinal, per cwt.	1	0
Barrels or casks, empty, per pipe	0	2
,, ,, per hogshead	0	1½
,, ,, per barrel	0	1
,, ,, per kilderkin	0	0½
,, ,, per firkin	0	0½

		s.	d.
	Baskets, empty:		
	Maunds, or hampers, per dozen	0	4
	Ballast baskets, per dozen	0	2
5	Fish baskets, or pads, per dozen	0	2
	Large market baskets, per dozen	0	2
	Small market baskets, per dozen	0	1
	Basket rods, per 1,000	0	4
	Bass rope, per cwt.	0	3
10	Beads. (See Bugles.)		
	Beans. (See Grain.)		
	Bedsteads:		
	Wood, each	0	6
	Iron, each	0	4
15	Bedposts:		
	Wood, per set	0	4
	Iron, per set	0	2
	Beef, salted or fresh, per cwt.	0	4
	Beehives, straw, per dozen	0	6
20	Beer. (See Ale.)		
	Beer, spruce, per gallon	0	0½
	Bees' wax, per cwt.	0	3
	Betel nuts, per ton	3	4
	Bellows:		
25	Common, per dozen	0	6
	Smiths', small, each	0	6
	Ditto, large, each	1	0
	Bell metal, per cwt.	0	4
	Benjamin. (See Gum.)		
30	Bergamot. (See Essences.)		
	Berries:		
	Not specified, per cwt.	0	2
	Bay, per cwt.	0	4
	Juniper, per cwt.	0	4
35	Yellow, per cwt.	0	4
	Billiard tables, each	5	0
	Birds:		
	Ducks, per dozen	0	6
	Fowls, per dozen	0	4
40	Geese, per dozen	0	8
	Grouse, per dozen	0	6
	Guinea fowls, per dozen	1	0
	Partridges, per dozen	0	6
	Pheasants, per dozen	1	0
45	Pigeons, per dozen	0	4
	Quails, per dozen	0	6
	Turkeys, each	0	2
	Small, not specified, per dozen	0	2
	Large, not specified, each	0	6
50	Biscuit, per cwt.	0	2
	Blacking, per cwt.	0	2
	Black Jack, per ton	0	6
	Black Lead. (See Lead.)		
	Blocks:		
55	Heel, per gross	0	4
	Last, per dozen	0	2
	Ship, per dozen	0	2
	Blubber, per cwt.	0	2
	Blue, per cwt.	0	4

	s.	d.
Bobbins, per cwt.	0	4
Bones and bone-dust, per ton	1	0
Books, per cwt.	1	0
Boots and shoes, per cwt.	1	0
Boracic acid, per cwt.	0	4
Borax, per cwt.	0	4
Bottles, empty, glass or stone, quarts, per gross	2	0
Ditto ditto pints, per gross	1	0
„ in crates or other packages, per cube foot	0	1
Bowls, wood, per dozen	0	4
Boxes and cases, empty, small, each	0	1
„ „ large, each	0	2
Boxes and cases of goods not specified, per cubic foot	0	1
Boxes for wheels, per cwt.	0	4
Bran. *See* Grain.		
Brandy. *See* Spirits.		
Brass (new), per cwt.	0	4
„ (old), per cwt.	0	2
Bread	0	2
Bricks:		
Common, per 1,000	1	8
Bath and fire, per 1,000	2	6
Slabjacks, per dozen	0	3
Brimstone, per cwt.	0	3
Bristles, per cwt.	1	0
Bronze, per cwt.	0	4
Brooms:		
Birch, per gross	0	4
Hair, cayhair, whalebone, or whisk, per dozen	0	4
Broom and brush handles, per gross	0	6
Brushes, hair, rush, or whalebone, per dozen	0	4
Brush heads and stocks, per dozen	0	2
Bugles and beads, per cwt.	1	0
Bullion in packages, per cube foot	0	2
Bulrushes, per ton	1	8
Buoys, per cwt.	0	4
Butter, per cwt.	0	4
Cables:		
Hempen or coil, per cwt.	0	3
Iron, per ton	3	4
Cabooses, per cwt.	0	4
Calamine, per cwt.	0	2
Calaminaris lapis, per cwt.	0	2
Calves velves, per cwt.	0	4
Camel's hair, per cwt.	0	6
Camphor, per cwt.	1	0
Candles:		
Tallow, per cwt.	0	3
Wax, per cwt.	1	0
Not specified, per cwt.	0	4
Cane juice. *See* Molasses.		
Canella alba, per cwt.	0	6
Canes:		
Common rattan, per 100	0	2
Ground rattan or walking sticks, per 100	0	4
Cannon. *See* Guns.		
Cantharides, per cwt.	1	0
Canvas, per cwt.	0	4

		s.	*d.*
	Caoutchouc. *See* India Rubber.		
	Capers, per cwt.	0	6
	Capillaire, per gallon	0	1
	Carboys:		
5	Full, per cwt.	0	4
	Empty, each	0	2
	Cards, wool, per dozen	0	1
	Cardamoms, per cwt.	0	8
	Carpets or carpeting, per cwt.	0	4
10	Carraway seeds, per cwt.	0	3
	Carriages:		
	2 wheels, each	5	0
	4 wheels, each	6	0
	4 wheels, close, each	8	0
15	4 wheels, coaches, each	10	0
	Railway, each	20	0
	Perambulators, each	0	6
	For guns, each	5	0
	Wheels, large, per pair	1	0
20	Wheels, small, per pair	0	8
	Carrots, per ton	0	10
	Carts, trucks, or waggons:		
	2 wheels, each	2	0
	4 wheels, each	4	0
25	Wheels, large, per pair	1	0
	Wheels, small, per pair	0	8
	Hand, each	1	0
	Cases. *See* Boxes.		
	Casks. *See* Barrels.		
30	Cassia, per cwt.	0	6
	Caster beans, per cwt.	0	4
	Catechu, per cwt.	0	4
	Caviare, per cwt.	0	4
	Cement, per cwt.	0	2
35	Chaffcutters. *See* Implements.		
	Chain (not specified), per cwt.	0	2
	Chairs:		
	Mahogany, rosewood, &c., per dozen	2	0
	Cane, garden, or camp stool, per dozen	1	0
40	Chalk:		
	Common, per ton	1	8
	French, per ton	3	4
	Charcoal, per ton	3	4
	Chassum, per cwt.	0	4
45	Cheese, per cwt.	0	4
	Cherries, per cwt.	0	4
	Chesnuts, per cwt.	0	2
	Chimney pots:		
	Earthenware, per dozen	1	0
50	Metal, per dozen	1	0
	Chicory, per cwt.	0	4
	Chillies, per cwt.	0	6
	China root, per cwt.	0	6
	„ ware, per cwt.	0	4
55	„ clay, per ton	0	6
	Chiranga root, per cwt.	1	0
	Chirayita, per cwt.	0	8
	Chirt stones, per ton	1	0
	Chocolate, per cwt.	0	6

	s.	*d.*
Cider. (See Ale).		
Cigars, per cwt.	2	0
Cinders, per ton	0	10
Cinnabar, per cwt.	1	0
Cinnamon, per cwt.	1	0
Citron:		
In salt, per cwt.	0	4
Preserved, cwt.	0	6
Clay:		
Common, per ton	0	6
Potters', per ton	0	6
Clocks, per dozen	2	0
,, 8-day, in case, each	0	6
Cloth, woollen, linen, or cotton, per cwt.	0	4
Clogg soles, per cwt.	0	2
Clogs, per cwt.	0	2
Cloves, per cwt.	1	0
Coals, per ton	0	10
Cod roe, per cwt.	0	4
Cobalt, per cwt.	0	1
Cochineal, per cwt.	0	6
Coculas Indicus, per cwt.	0	6
Cocoa, per cwt.	0	4
Cocoa nuts, per hundred	1	0
Cocque de Perle, per cwt.	0	4
Coffee:		
Raw, per cwt.	0	3
Roast, per cwt.	0	4
Coir, per cwt.	0	3
Coke, per ton	0	10
Coliquintida, per cwt.	0	8
Colouring for porter, per gallon	0	0½
Columba root, per cwt.	0	4
Colours:		
Painters', mixed, per cwt.	0	2
,, dry, per cwt.	0	4
Copper, per cwt.	0	4
Furnaces and stills, per cwt.	0	4
Copperas, per cwt.	0	4
Coquilla nuts, per cwt.	0	4
Coral, per cwt.	2	6
Cordage, per cwt.	0	3
Cordials, per gallon	0	1
Bottles, per dozen	0	2
Cork, per cwt.	0	3
Corks, bottle, per 10 gross	0	3
Coriander seed, per cwt.	0	3
Corn. (See Grain).		
Cornelians. (See Grain).		
Cotton:		
Raw, per cwt.	0	3
Manufactured, per cwt.	0	4
Cowhage, per cwt.	0	6
Cowries, per cwt.	0	3
Cradles, each	0	2
Cranberries, per pipe or puncheon	2	0
,, per hogshead	1	0
,, per barrel or anker	3	8
,, per keg or half anker	0	6
Cream of tartar, per cwt.	0	4

		s.	*d.*
	Crease, earthenware, per dozen	0	1
	Crystal, rough, per ton	5	0
	„ beads, per cwt.	1	0
5	Cubebs, per cwt.	0	6
	Culm, per ton	0	10
	Cummin seed, per cwt.	0	4
	Currants, per cwt.	0	4
	Dates, per cwt.	0	6
10	Deals. (See Wood).		
	Diamonds and precious stones, per package	5	0
	Divi Divi, per ton	3	4
	Dissolved bones, per ton	1	0
	Dogs. (See Animals).		
15	Down, eider, per cwt.	1	0
	Dragon's blood, per cwt.	0	6
	Drapery in bales, per cwt.	0	4
	Dripstones, per cwt.	0	2
	Drugs (not specified) per cwt.	0	6
20	„ in casks, hampers, or boxes, per cubic foot	0	2
	Dyes, per cwt.	1	0
	Dung. (See Manure).		
	Earth:		
	Common, per ton	0	6
25	Black, per ton	1	0
	Brown, per ton	1	0
	Red, per ton	1	0
	Yellow per ton	1	0
	Earthenware, coarse, loose, per potters' dozen	0	4
30	In crates, barrels, or boxes, per foot	0	0¼
	Eau-de-Cologne, per case	2	0
	„ per half case	1	0
	Eggs, per 100	0	4
	Emery, per cwt.	0	2
35	Stones, per cwt.	0	2
	Empty bags and sacks (not returned), per cwt.	0	4
	Engines, per ton	5	0
	Epsom salts, per cwt.	0	4
	Essences, per cwt.	2	0
40	Essential oils, per cwt.	1	0
	Euphorbium, per cwt.	0	6
	Extract of oak bark, per cwt.	0	4
	„ medicinal, per cwt.	1	0
	Fans, in boxes or cases, per cubic foot	0	2
45	Feathers, bed, per cwt.	0	6
	„ ostrich, in packages, per cubic foot	0	2
	Felt, per cwt.	0	3
	Figs, per cwt.	0	4
	Filtering stones, per cwt.	0	2
50	Fire-arms, per cwt.	0	4
	Fish, fresh:		
	Mackarel, per 100	0	1
	Herrings, per 1,000	0	5
	Pilchards, per 1,000	0	4
55	Not specified, per cwt.	0	2
	To be cured in the town	free.	
	Refuse or caff, per ton	0	6
	Fresh fish taken and landed by boats or vessels which either pay the annual rates mentioned in Schedule A, Part I.,		
60	or compound for the use of the harbour, are exempt from fresh fish dues.		

	s.	*d.*
Fish, cured:		
Pilchards, per hogshead	1	0
„ per half hogshead	0	6
„ small barrels in proportion.		
Other fish, per cwt.	0	2
From other ports, and brought to Mevagissey for exportation, one half.		
Fishing lines, per cwt.	0	4
„ hooks, per cwt.	0	6
Flock, per cwt.	0	2
Flax:		
Rough, per ton	3	4
Hanks, per dozen	0	1
Floor cloth, per cwt.	0	4
Flour. (See Grain.)		
Flower roots, plants or trees in packages, per cubic foot	0	1
Frankincense, per cwt.	0	6
Fruit:		
Green (not specified), per cwt.	0	2
Dried, per cwt.	0	4
Preserved, per cwt.	0	6
Fuel, patent, per cwt.	0	2
Fuller's earth, per ton	1	0
Furniture (not specified), per cubic foot	0	1
Furs, per cwt.	0	8
Galangal, per cwt.	0	6
Galbanum, per cwt.	0	6
Galls, per cwt.	0	4
Gamboge, per cwt.	0	6
Gates, iron or wood, each	0	2
Gelatine, per cwt.	0	4
Geneva. (See Spirits.)		
Gentian root, per cwt.	0	4
Gin. (See Spirits.)		
Ginger, per cwt.	0	4
Gingerbread, per cwt.	0	4
Ginseng, per cwt.	0	4
Glass, in packages, per cubic foot	0	1
Glauber salts, per cwt.	0	4
Glue, per cwt.	0	2
Grain:		
Wheat, per quarter	0	2
Barley, per quarter	0	1½
Oats, per quarter	0	1
Rye, per quarter	0	1
Malt, per quarter	0	3
Beans and peas, per quarter	0	2
Indian corn, per quarter	0	1
Ditto meal, per cwt.	0	1
Barley meal, per cwt.	0	1
Oatmeal, per cwt.	0	2
Flour, per cwt.	0	1
Bere and bigg, per cwt.	0	1
Bran, per cwt.	0	1
Goat's hair, per cwt.	0	4
Granilla, per cwt.	0	6
Grapes, per cwt.	0	4
Grass, foreign, per cwt.	0	4

		s.	*d.*
	Grates and stoves, per cwt.	0	4
	Gravel, not bought as ballast, per ton	0	2
	Grease or greaves, per cwt.	0	2
5	Groats, per cwt.	0	2
	Groceries (not specified), per cwt.	0	4
	Guano, per ton	1	0
	Guinea grains, per cwt.	0	6
	Gums (not specified), per cwt.	0	6
10	Gunpowder, per cwt.	0	4
	Guns, iron, per ton	3	4
	Brass, per ton	6	8
	Composition, per ton	6	8
	Steel	6	8
15	Gutta percha, per cwt.	0	4
	Haberdashery and hosiery:		
	In bales, per cwt.	0	4
	In boxes, per cubic foot	0	2
	Hair, per cwt.	0	4
20	Hanks for sails, per gross	0	6
	Hardware (not specified), per cwt.	0	3
	Harrows, each	0	4
	Hartall, per ton	5	0
	Hats, in packages, per cubic foot	0	1
25	Hay or grass, per ton	1	0
	Hay rakes:		
	Hand, per dozen	0	2
	Horse, each	1	0
	Hemp, per ton	3	4
30	Hides:		
	Wet, per ton	1	8
	Dry, per ton	3	4
	Fleshings, per cwt.	0	2
	Roundings or glue pieces, per cwt.	0	2
35	Hilts:		
	Pick, per gross	1	0
	Shovels, per dozen	0	2
	Hogsheads, empty. (*See* Barrels.)		
	Pilchard, empty, each	0	1
40	Hones, per cwt.	0	4
	Honey, per cwt.	0	6
	Hoofs, per cwt.	0	2
	Hoops:		
	Iron, per cwt.	0	2
45	Wooden, per bundle	0	0½
	For mast or white hoops, per dozen	0	2
	Hops, per cwt.	0	4
	Horns, tips, or plates, per cwt.	0	6
	Horse shoes, per cwt.	0	2
50	Hurdles, wood or iron, per dozen	0	2
	Ice, per ton	0	6
	Implements of husbandry (not specified), per cwt.	0	2
	India rubber, per cwt.	0	6
	Indigo, per cwt,	1	0
55	Ink:		
	Liquid, per gallon	0	1
	Solid, per cwt.	0	6
	China or Indian, per cwt.	1	0
	Inkle, per cwt.	0	6

	s.	d.
Ipecacuanha, per cwt.	1	0
Iron:		
Pig, bar, bolt, and rod, per ton	1	8
Hoop, plate, sheet and forged, per ton	3	4
Manufactured, wrought or cast, per ton	3	4
Old or broken, per ton	0	10
Furnaces, per cwt.	0	2
Galvanized, per cwt.	0	2
Ironmongery (not specified), per cwt.	0	3
Isinglass, per cwt.	0	6
Ivory, per cwt.	1	0
Ivory black, per cwt.	0	2
Jack screws, per pair	0	6
Jalap, per cwt.	1	0
Juice or syrup (not specified), per cwt.	0	4
Juniper berries, per cwt.	0	4
Junk or old rope, or old sail cloth, per cwt.	0	2
Jute, press-packed, per ton	3	4
Kelp, per ton	1	8
Kips, per cwt.	0	4
Lac dye, gum, stick, seed, and shell, per cwt.	0	4
Lace, in packages, per cubic foot	0	2
Lacquered ware, per cwt.	0	4
Ladles, per gross	0	6
Lamp black, per cwt.	0	4
Lanterns, horn or glass, per dozen	0	2
Lard, per cwt.	0	4
Lavender flowers, per cwt.	0	8
,, water, per gallon	0	0½
Lead:		
Pig or sheet, per cwt.	0	2
Black, white, or red, per cwt.	0	2
Shot, per cwt.	0	3
Scrap, per cwt.	0	1
Leather:		
Tanned, per cwt.	0	4
Wrought, per cwt.	1	0
Leeches in packages, per cubic foot	0	2
Lemons, per chest	0	4
,, per box	0	2
Lemon, lime, and orange juice, per gallon	0	0½
,, peel, per cwt.	0	4
Lime, burnt, per ton	0	6
Limes, per cwt.	0	6
Linen cloth, per cwt.	0	4
,, rags, per cwt.	0	1
Linseed, per quarter	0	4
Lint cloth, per cwt.	0	6
Liquorice or Succus liquoritæ, per cwt.	0	4
,, root, per cwt.	0	2
Locomotive engines, per ton	5	0
Loom or moulding sand, per ton	0	6
Maccaroni, per cwt.	0	4
Mace, per cwt.	1	0
Machinery (not specified), per ton	5	0
Wood and iron mixed, per foot	0	1
Madder root, per cwt.	0	4
Manganese, per ton	0	6

		s.	d.
	Mangles, each	1	0
	Mangold wurtzell, per ton	0	10
	Manna, per cwt.	0	6
5	Manure (not specified), per ton	0	6
	Manufactured, per ton	1	0
	Marbles, per cwt.	0	6
	Mastic gum. (*See* Gum.)		
	Matches, packages, per cubic foot	0	0¼
10	Mats and matting, per dozen	0	1
	Meat, per cwt.	0	4
	Melons, per cwt.	0	4
	Melting pots, per dozen	0	1
	Millinery, in packages, per cubic foot	0	2
15	Millboards, per 120	0	6
	Minerals. (*See* Ores.)		
	Mineral waters. (*See* Acid water.)		
	Mohair yarn, per cwt.	0	4
	Molasses and treacle, per cwt.	0	2
20	Mops, per dozen	0	3
	„ handles, per gross	0	6
	Moss, rock or Iceland, per cwt.	0	3
	Mother-o'-pearl:		
	Shells, per cwt.	0	4
25	Ware, per cubic foot	0	2
	Mundic, per ton	0	6
	Munjeet, per cwt.	0	4
	Muntz's patent, per cwt.	0	4
	Muriate of lime, potash, and soda, each per cwt.	0	2
30	Musical instruments, per cubic foot	0	2
	Musk, per cwt.	1	0
	Mustard, per cwt.	0	4
	Myrrh, per cwt.	0	6
	Myrabolams, per cwt.	0	3
35	Nails:		
	Iron, per cwt.	0	2
	Copper, per cwt.	0	4
	Galvanized iron, per cwt.	0	3
	Zinc, per cwt.	0	3
40	Nanari, per cwt.	0	6
	Nankeen, in packages, per cubic foot	0	2
	Natron, per ton	3	4
	Net, per cwt.	0	4
	Nests of trunks, per cubic foot	0	1
45	Nickel, per ton	5	0
	Nitrate of soda, per ton	1	8
	Nutmegs, per cwt.	0	6
	Nuts:		
	Not specified, per cwt.	0	2
50	Filbert and Barcelona, per cwt.	0	2
	Walnuts, per cwt.	0	4
	Almond, per cwt.	0	4
	Nux vomica, per cwt.	0	4
	Oakum, per cwt.	0	2
55	Oars, under 20 feet in length, per dozen	0	2
	20 feet and under 30 feet, per dozen	0	4
	30 feet and above, per dozen	0	4
	Oatmeal (*See* Grain.)		
	Ochre, per cwt.	0	2

	s.	d.
Oil:		
Not specified, per cwt.	0	4
Castor, per cwt.	0	6
Chemical, per cwt.	1	0
Fish, per ton	2	0
Nut, per cwt.	0	4
Linseed, per cwt.	0	4
Palm, per cwt.	0	4
Olive, per cwt.	0	4
Rape, per cwt.	0	4
Dregs, per ton	1	0
In flasks, per chest	0	4
„ per half chest	0	2
Cake, per ton	1	0
Oil cloth or painted canvas, per cwt.	0	4
Old salt:		
Refuse of salt used in the town, per ton	0	5
Refuse of used salt from other ports, per ton	0	10
Olibanum. (*See* Gum.)		
Olives, per cwt.	0	6
Onions, per cwt.	0	2
Opium, per cwt.	0	6
Oranges, per chest	0	4
„ per box	0	2
Orange peel, per cwt.	0	4
Orchella weed, per cwt.	0	4
Ores:—		
Not specified, per ton	0	6
Iron, per ton	0	4
Tin, per ton	0	6
Copper, per ton	0	6
Silver, per ton	1	0
Orpiment, per cwt.	0	3
Orrice root, per cwt.	0	3
Orsidddew, in packages, per cubic foot	0	2
Otto of roses. (See Essences.)		
Ovens, earthenware, each	0	2
Ox bows, per dozen	0	2
Oysters, per cwt.	0	1
Paints (not specified), per cwt.	0	4
Paintings, pictures, and picture frames:—		
Pier glasses, per cubic foot	0	3
Pans, earthenware, per potter's dozen	0	4
Warming pans, per cwt.	0	4
Brass, per cwt.	0	4
Paper, stationers', per cwt.	0	4
Other descriptions, per cwt.	0	2
Papier-maché goods, packages, per cubic foot	0	2
Parcels, not passengers' luggage, each	0	2
Pearl barley, per cwt.	0	2
Pears, per cwt.	0	3
Peas. (See Grain.)		
Peat, per ton	0	10
Pellitory root, per cwt.	0	6
Pepper, per cwt.	0	4
Perry. (See Ale.)		
Peruvian bark, per cwt.	1	0
Pessara, per cwt.	0	3

		s.	*d.*
	Petroleum or rock oil, per cwt.	0	4
	Pewter, per cwt.	0	2
	Phials, per cubic foot	0	1
5	Pianofortes. (See Musical Instruments.)		
	Pickles, per dozen bottles	0	2
	Pill boxes, in packages, per cubic foot	0	1
	Pimento, per cwt.	0	4
	Pink root, per cwt.	0	3
10	Pins, per cwt.	0	4
	Pipes:—		
	Tobacco, per cwt.	0	2
	Earthenware for draining, per ton	0	10
	Stoneware, per ton	1	8
15	Iron, per cwt.	0	2
	Lead, tin, zinc, per cwt.	0	4
	Pitch, per cwt.	0	2
	Burgundy, per cwt.	0	4
	Pipeclay, per cwt.	1	0
20	Pork. (See Bacon.)		
	Plaster of Paris, per cwt.	0	2
	Ploughs, each	1	0
	Plums, per cwt.	0	3
	Dried, per cwt.	0	4
25	Pomegranates, per cwt.	0	4
	Peel, per cwt.	0	6
	Porcelain, per cwt.	0	4
	Porphery. (See Stone.)		
	Porter. (See Ale.)		
30	Potash, per cwt.	0	2
	Potatoes, per ton	1	8
	Pots, flower, per potters' dozen	0	2
	butter, per potters' dozen	0	4
	Poultry. (See Birds.)		
35	Preserves, per cwt.	0	6
	Prunes, per cwt.	0	4
	Pozzolano, per ton	3	4
	Pumice stone, per cwt.	0	2
	Pyrolignate of lead, per ton	3	4
40	Polishing paste, per cwt.	0	4
	Quassia, per cwt.	0	3
	Quern stones, each	0	6
	Quicksilver, per bottle	0	3
	Quills or quill pens, per 1,000	0	2
45	Miners, per cwt.	1	0
	Quinces, per cwt.	0	3
	Quinine, per cwt.	2	0
	Rags, per cwt.	0	1
	Raisins, per cwt.	0	4
50	Reed, per ton	0	6
	Rhatania root, per cwt.	0	6
	,, extract, per cwt.	1	0
	Rhubarb, per cwt.	0	6
	Rice, per cwt.	0	2
55	Rinds, tanners', per ton	1	8
	Rope, per cwt.	0	3
	Old or junk, per cwt.	0	2
	Wire, per cwt.	0	2
	Rosin, per cwt.	0	2

	s.	*d.*
Rum. (See Spirits.)		
Rushes, per ton	0	6
Sac saturn, per cwt.	0	3
Sacks, empty, per cwt.	0	4
Safflower, per cwt.	0	3
Saffron, per cwt.	1	0
Sago, per cwt.	0	3
Sail-cloth, per cwt.	0	4
Sails, per cwt.	0	6
Sal ammoniac, per ton	3	4
Sal gem, rock salt, per ton	1	8
Salmon, per cwt.	0	3
Salt, per ton	1	8
Saltpetre and sal prunella, per cwt.	0	2
Sand, not brought as ballast, per ton	0	2
Sarsaparilla, per cwt.	1	0
Sash-weights, per cwt.	0	2
Sassafras, per cwt.	0	6
Scammony, per cwt.	1	0
Scoops:—		
Boat, per dozen	0	2
Fish, per dozen	0	3
Malt, per dozen	0	4
Scuttles, coal, iron or tin plate, per dozen	0	3
„ copper, per dozen	0	4
Scythe blades, per dozen	0	2
„ stones, per cwt.	0	3
Scythes, per dozen	0	4
Seahorse teeth. (See Ivory.)		
Seaweed, per ton	0	3
Seeds:—		
Clover and other agricultural, per cwt.	0	3
Flower, per cwt.	1	0
Linseed, rapeseed, &c., per quarter	0	4
Senna, per cwt.	0	4
Shingle, not brought as ballast, per ton	0	2
Shoddy, per ton	3	4
Shot:—		
Lead, per cwt.	0	3
Iron, per ton	3	4
Steel and shell, per ton	5	0
Shrub. (See Spirits.)		
Shumac, per ton	3	4
Sickles, per dozen	0	2
Silk:—		
Raw, per cwt.	1	0
Thrown, per cwt.	2	0
Waste, per cwt.	0	6
In packages manufactured, per cubic foot	0	2
Sieves, per dozen	0	3
Skins of wild animals:—		
Large, per cwt.	0	3
Small, per cwt.	0	6
Slates:—		
Writing, per gross	0	6
Pencils, per cwt.	0	4
Roofing, per ton	0	10
Flooring, per ton	0	10

		s.	*d.*
	Smalts, per ton	3	4
	Snuff, per cwt.	0	4
	Soap, per cwt.	0	3
5	Soda, per cwt.	0	2
	Soda water, per dozen bottles	0	2
	Sofas, each	1	0
	Solder and spelter, per cwt.	0	2
	Spermaceti, per cwt.	0	4
10	Spetches, per ton	3	4
	Spices (not specified), per cwt.	0	6
	Spirits, British or foreign, per gallon	0	$0\frac{1}{2}$
	„ in bottles, per dozen quarts	0	3
	Ditto ditto pints	0	2
15	Sponge, per cwt.	1	0
	Squills, per cwt.	0	3
	Spokes for wheels, per dozen	0	2
	Naves for wheels, per dozen	0	6
	Stamp lifters, per dozen	0	6
20	Starch, per cwt.	0	4
	Staves and heading for pilchard hogsheads, per 1,000	1	8
	Steel, per cwt.	0	4
	Pens, per cwt.	1	0
	Stock fish, per cwt.	0	2
25	Stone:—		
	Building, per ton	0	2
	Paving stones, per ton	0	2
	Mill, per ton	1	0
	Burr, per ton	1	0
30	Bath and Portland, rough, per ton	0	6
	„ „ cut, per ton	0	9
	Flagstone and granite, rough, per ton	0	4
	„ „ cut, per ton	0	6
	Grinding stones, per cwt.	0	1
35	Limestone, per ton	0	2
	Marble:—		
	Rough, per ton	1	0
	Cut, per ton	2	0
	Porphery, Serpentine, &c.:—		
40	Rough, per ton	1	0
	Cut, per ton	2	0
	Road stone, per ton	0	2
	Freestone:—		
	Rough, per ton	0	2
45	Cut, per ton	0	6
	Straw, per ton	0	6
	Succades or sweetmeats, per cwt.	0	6
	Sugar:		
	Soft, per cwt.	0	2
50	Refined, per cwt.	0	4
	Candy, per cwt.	0	6
	of Lead, per cwt.	0	6
	Sulphur, per cwt.	0	3
	Sheepwasher's dirt, per ton	3	0
55	Talc, per cwt.	0	4
	Tallow, per cwt.	0	2
	Tamarinds, per cwt.	0	6
	Tanners' poles, per cwt.	0	6
	Tapioca, per cwt.	0	4

	s.	d.
Tar, per barrel	0	3
Tares, per ton	1	0
Tarras, per cwt.	0	2
Tea, per cwt.	0	6
Teazels, per cwt.	0	2
Terra Japonica, Sienna, and Verde, per cwt.	0	4
Tessera, per cwt.	0	2
Thimbles, per cwt.	0	6
Sail, per cwt.	0	4
Threshing machines, each	5	0
Thrumbs, per cwt.	0	4
Tiles:		
Roofing, per ton	1	8
Paving, per ton	0	10
Draining, per ton	0	10
Tin:		
Blocks, ingots, or barrel, per ton	4	0
Plate, per box	0	2
Tincal, per ton	4	0
Tobacco:		
Raw, per cwt.	0	4
Manufactured, per cwt.	0	6
Tongues, per cwt.	0	4
Tonquin Beans, per cwt.	1	0
Tortoiseshell, per cwt.	1	0
Tow, per cwt.	0	3
Toys, per cubic foot	0	1
Treacle or molasses, per cwt.	0	2
Trees for saddles, per dozen	0	3
Trenchers, per gross	0	4
Trundlesticks, per 1,000	0	6
Trunks, empty, per cubic foot	0	1
Turf, per ton	0	10
Turmeric, per cwt.	0	3
Turnips, per ton	0	10
Turpentine, per cwt.	0	4
Turtles, each	1	0
Twine, per cwt.	0	4
Types, per cwt.	0	6
Valonia, per ton	3	4
Vanellas. (See Succades.)		
Varnish, per cwt.	0	6
Vegetables, per cwt.	0	2
Venice turpentine, per cwt.	0	6
Verdigris, per cwt.	0	2
Vermicelli, per cwt.	0	4
Vermillion, per cwt.	1	0
Vinegar, per gallon	0	0½
Vitriol, per cwt.	0	4
Walnuts, per cwt.	0	4
Waste, braziers', button makers', furriers', soapers', tanners', vitriol, sugar bakers', per cwt.	0	2
Wax:		
Bees, per cwt.	0	3
Sealing, per cwt.	0	6
Weights:		
Iron, per cwt.	0	2
Brass, per cwt.	0	4

		s.	*d.*
	Weld or wood, per cwt.	0	4
	Whalebone, per cwt.	1	0
	Fins, per cwt.	0	4
5	Wheelbarrows, each	0	4
	Wheels, iron, per cwt.	0	4
	Whetstones, per cwt.	0	3
	Whips, per dozen	0	2
	Whipsticks, per dozen	0	1
10	Whiskbrooms, per dozen	0	4
	Whisky. (See Spirits.)		
	Whiting, per cwt.	0	2
	Wick yarn, pack, per cwt.	0	3
	Winch or windlass, per cwt.	0	3
15	Winnowing machines, each	2	6
	Wine:		
	British or Foreign, per gallon	0	0½
	In bottles, per dozen quarts	0	2
	„ per dozen pints	0	1
20	Wire:		
	Iron, per cwt.	0	2
	Brass, per cwt.	0	4
	Copper, per cwt.	0	4
	Not specified, per cwt.	0	6
25	Wood:		
	Dyers, &c., viz.: bar, box, Brazil, brazelletto, cam, cocus, ebony, fustic, lignum vitæ, logwood, Nicaragua, quassia, sandal, sanders, sapan, sassafras, per ton	3	4
	Furniture, viz.: cedar, mahogany, rose, satin, &c., per ton	3	4
30	Deals, battens, ends, boards, per load of 50 cubic feet	1	6
	Firewood, per fathom of 216 cubic feet	0	6
	Gunstocks, per 120	1	6
	Handspikes, not exceeding 7 feet long, per 120	2	0
	„ exceeding 7 feet long, per 120	3	0
35	Knees, under 5 inches square, per 120	3	0
	„ 5 and under 8 inches square, per 120	4	6
	Lathwood, per fathom of 216 cubic feet	3	0
	Laths, 4 ft. lengths, per 1000	0	4
	„ 3 ft. „ per 1000	0	3
40	„ 2 ft. „ per 1000	0	2
	Spars, under 4 inches diameter, per dozen	0	4
	„ 4 and under 6 inches diameter, per dozen	0	8
	„ 6 and under 8 inches diameter, per dozen	1	0
	„ 8 and under 12 inches diameter, each	0	3
45	„ 12 and above, as timber, 40 feet per load.		
	Staves (not specified), per load, 250 cubic feet	1	6
	Rickers, per 120	6	0
	Staves, Baltic, pipe, per 120	2	3
	„ hogshead, per 120	1	6
50	„ barrel, per 120	1	0
	„ heading, per 120	0	9
	„ thin, pipe, 1 to 1½ inch thick, per 120	1	0
	„ pipe, board, 3 inches thick, per 120	3	0
	Billet, oak or ash, above 3½ inches and not exceeding 4 feet long, per 120	2	6
55	„ exceeding 1½ to 3½ inches, per 120	1	6
	„ under 1½ inches, per 120	1	0
	Packs. (See Casks, empty.)		

	s.	d.
Wood:		
Staves, American, per Quebec standard of 120, of 5½ feet long by 1½ inch thick	1	6
Ditto, Quebec, puncheon, St. John's ash, and oak, hogshead, per 120	1	6
Timber and planks, viz.: Fir, square, per load of 50 feet	1	6
„ round, per load of 40 feet	1	6
Ash, beech, birch, and elm, per load of 40 feet	1	6
Oak, teak, wainscot, and other hard wood, per load of 40 feet	2	0
Trenails, under 2 feet long, per 1200	2	0
„ 2 feet and upwards, per 1200	4	0
Wool:		
Packs of British, per cwt.	0	3
Spanish and all others, per cwt.	0	6
Woollen manufactures, per cwt.	0	4
Yams, per cwt.	0	2
Yarn, per cwt.	0	2
Zaffers, per cwt.	0	4
Zedoary, per cwt.	0	4
Zinc, per ton	3	4
„ sulphate of, per ton	3	4
All other goods not particularly enumerated—		
Light goods, per cubic foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates to be charged.

All goods brought from other ports by sea for exportation (with the exception of fish,) one third of the rates respectively leviable by the foregoing schedule.

In case of any goods being discharged from any vessel putting into the harbour in distress, and being obliged to discharge her cargo to repair damages, such goods shall only be liable, if landed and reshipped by the same owner on board the same or any other vessel, to one quarter of the rates respectively leviable by the foregoing schedule for landing only, and if transhipped without being landed to one eighth of the rates respectively leviable by the foregoing schedule.

Schedule D. to which the foregoing Order refers.

Dues for the use of Cranes, Weighing Machines, &c.

Craneage.

	s.	d.
All goods or packages raised or lowered, for every ton or part of a ton	0	4

Weighing Machines.

	s.	d.
All goods or packages weighed, for every ton or part of a ton	0	2

Shed Dues.

	s.	d.
1. For every ton of goods of 40 cubic feet, or for every ton of goods of twenty cwt., which remains in the warehouses or sheds, or on the quays, or other works vested in the trustees, for a longer time than forty-eight hours - - -	0	3
And per ton for each day, or part of a day, during which the goods remain after the first seventy-two hours - -	0	2
And so in proportion for any less quantity.		
2. For every portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day - -	0	2

Water on Pier.

1. Water, per ton - - - - - - - -	0	6
2. Fishing vessels and yachts belonging to the port, per annum -	1	0

Passengers' Luggage.

For every 28lbs. or part thereof exceeding 1 cwt. - - -	0	1

Fish Buyers' Carts.

For each time using the wharves or jetties - - - -	0	2

Schedule E. to which the foregoing Order refers.

Dues for the use of Graving Dock, Patent Slip, and Gridiron.

Graving Dock and Patent Slip.

	s.	d.
For every vessel (light) for each day of twenty-four hours, per register ton - - - - -	0	3
For every vessel in ballast or cargo, for each day of twenty-four hours, per register ton - - - - -	0	4

Every steam vessel having her engines on board to be considered as a vessel in cargo.

The day of docking and undocking both included.

The day to end at noon, and each fractional part of a day will be charged as one day.

N.B.—No vessel will be allowed to remain in the dock longer than seven days, or on the gridiron longer than one working tide, unless under special agreement.

These charges do not include the labour of docking and undocking.

Gridiron.

For every vessel using the gridiron, on one tide and off the next, per register ton - - - - - - -	0	1

STORNOWAY.

Order for the Improvement and Regulation of the Harbour of Stornoway, in the Island of the Lews and County of Ross.

Incorporation of Commissioners.

1. The present members of the Stornoway Pier and Harbour Commission, and their successors, to be appointed as in the Feu Charter set forth in the First Schedule to this Order (hereafter in this Order called the said Feu Charter) provided (subject nevertheless to the provisions of this Order), shall be and are hereby for the purposes of this Order incorporated by the name of The Stornoway Pier and Harbour Commission, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property, for the purposes but subject to the restrictions of the said Feu Charter and of this Order.

Modifications of provisions of Charter.

2. Notwithstanding anything in the said Feu Charter the following provisions shall have effect:—

(1.) The appointment of every Commissioner appointed by the Superior of the burgh of Stornoway, or by the Sheriff of the County, shall be made in writing, and until the writing of appointment is deposited with the clerk to the Commissioners the person thereby appointed shall not be entitled to act as a Commissioner.

(2.) The Commissioners from time to time appointed after the Commissioners nominated in the said Feu Charter go out of office shall respectively hold office from the first Tuesday in the month of May in the year of their appointment to the end of the day next preceding the first Tuesday in the month of May in the next following year.

(3.) At meetings of the Commissioners at which the permanent Commissioner is not present the Commissioners present shall elect a Chairman before proceeding to business, and every such Chairman shall have a second or casting vote in case of an equality of votes.

(4.) Any rules or regulations framed by the Commissioners (in pursuance of the first and tenth clauses of the said Feu Charter) for the general management of the piers, quays, harbour works, and harbour vested in them, shall be deemed to be byelaws within the meaning of this Order and of any Act incorporated therewith.

Incorporation of parts of 10 & 11 Vict. c. 16.

3. The Commissioners Clauses Act, 1847, (except sections sixteen to thirty-five, both inclusive, and sections forty, forty-two, forty-three, forty-six, fifty-four, eighty-six, and eighty-seven,) are hereby incorporated with this Order, and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally.

Undertakers.

4. The Commissioners shall be the undertakers of the works authorized by this Order.

Limits of Harbour.

5. The limits of the harbour of Stornoway within which the Commissioners shall have authority (which shall be deemed the limits to which this Order, and the powers to exact rates in virtue thereof, extend,) shall extend to and include the bay of Stornoway to the north of an imaginary straight line drawn from Holm Point

Point on the east side to Arnish Point on the west side of the bay of Stornoway, as laid down on the Admiralty chart of the said harbour by Commander Otter of the Royal Navy: Provided always as follows:—

(1.) The foreshore or shore and sea and bed of the bay on the east side thereof, whereon a patent slip has been erected by the said Sir James Matheson, for the accommodation of shipping, and a portion of the foreshore or shore on each side of the said slip and of the sea and sea bed seawards thereof, sufficient for the due and efficient working and use of the said slip, shall be excepted from and shall be held not to be included in the said harbour, and no vessels using the said slip shall in respect of such use be subject or liable to pay any rates under this Order.

(2.) The extension by this Order of the limits of the said harbour for rating purposes beyond the foreshores or shores, which have been heretofore expressly conveyed to the Commissioners, or which may hereafter under this Order be acquired by them, shall in no respect give them authority or power, except with the consent of the said Sir James Matheson, or of the Superior of the burgh of Stornoway for the time, to appropriate the foreshores or shores of the bay of Stornoway heretofore not conveyed to them, or any part thereof, or confer upon them any rights to, over, or upon the same; neither shall the definition hereby of the limits within which this Order shall take effect in any respect derogate from any right possessed by the said Sir James Matheson or by his successors, as proprietors of the barony of the Lews, including the burgh of barony of Stornoway, and of the foreshores or shores of the bay of Stornoway, from appropriating and using the same in such a manner as by law was competent for him to do before this Order was made.

Power to take lands by agreement.

6. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, and use all or any part of the lands shown upon the deposited plans as intended to be taken for the purposes of the proposed works.

Incorporation of Lands Clauses Acts.

7. The Lands Clauses Consolidation (Scotland) Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchasing and taking of lands otherwise than by agreement, are hereby incorporated with this Order, but nothing in this Order shall authorize the Commissioners to take lands for the purposes of this Order exceeding in extent in the whole five acres.

Power to execute works.

8. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits shown on the deposited plans and sections, execute and maintain the works shown on the deposited plans.

Description of works.

9. The works authorized by this Order comprise the following:—

(1.) A timber wharf, of one hundred and fifty feet or thereabouts in length, in front of the present steamboat quay near the Old Castle, and a quay wall of masonry, extending northwards from the said timber wharf for a distance of three hundred and fifty feet or thereabouts,

and joining the quay called the Big Quay at a point seventy feet or thereabouts seaward of high-water mark:

(2.) The filling up and making available for curing ground or other purposes of the space between the said quay wall and high-water mark; and

(3.) All such other works, buildings, sheds, warehouses, wharfs, jetties, works, and conveniences as may from time be necessary for the improvement of the harbour, or the accommodation of the shipping resorting thereto; but the erection of all sheds, warehouses, storehouses, or other structures upon the quays, piers, or wharves now belonging or which may hereafter belong to or be acquired by the Commissioners shall be subject to the whole conditions and provisions having reference thereto contained in the said Feu Charter.

Power to levy rates according to Schedule.

10. Subject and according to the provisions of this Order, the Commissioners may demand, levy, and recover, in respect of vessels, goods, fish, animals, and things described in the Second Schedule to this Order, any sums not exceeding the several rates therein specified.

Certain fishing vessels under stress of weather exempt from rates.

11. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port-charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour of Stornoway, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of Customs Officers.

12. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, and out of the wharf, harbour, and works by land, and with their vessels and otherwise, without payment.

Cesser of rates in certain case.

13. If at any time the said Feu Charter, from any cause whatever, becomes void, or is set aside, reduced, or invalidated, as to the whole thereof, or as to any part thereof containing a disposition of property in favour of the Commissioners, the right to levy rates under this Order shall, ipso facto, absolutely cease.

Application of rates and income.

14. The Commissioners shall apply all money received by them from the rates, tolls, and dues authorized by this Order, and all other income coming into their hands in respect of the works authorized by this Order, or from the lands or property connected therewith, or otherwise belonging to them, for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the feu duties and rents payable in respect of the lands and property belonging to the Commissioners, and the expenses of the making, maintenance, management, and regulation of the existing harbour, and of the new works, and the lands and property connected therewith:

(3.) In paying the interest of any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) As

(4.) As to the surplus revenue of the harbour, if any, after providing for the purposes aforesaid, the same shall be applied in creating a sinking fund in manner, and, in so far as the nature and circumstances of the case will admit, in the proportion specified by The Commissioners Clauses Act, 1847.

Power to borrow.

15. The Commissioners may from time to time borrow and re-borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of ten thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates and dues authorized by this Order, or of any of those particulars, or of any other the property of the Commissioners; or they may accept and take from any bank or banking company credit to such amount as they deem expedient, not exceeding in the whole the said sum of ten thousand pounds, on a cash account to be opened and kept in the name of the Commissioners, according to the usage of bankers in Scotland; and they may assign the rates and dues hereby authorized, the works authorized by this Order, and the lands and property connected therewith, and any other lands or property belonging to them, in security of the repayment of the sum or sums so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively, by dispositions and assignations under their common seal, and signed by three of their members, which dispositions and assignations, and all transfers thereof, may be in the form as near as may be in the Schedule (B.) to The Burgh Harbours (Scotland) Act, 1853, annexed, and shall be recorded in the General Register of Sasines or in the Particular Register of Sasines for the counties of Inverness, Ross, &c., and have preference according to the priority of their registration therein, except in so far as a pari passu preference may by the dispositions and assignations have been established among all or some of them, as being assignations of parts of one capital sum, which the Commissioners may by a resolution of a specified date have determined to borrow in parts.

Money to be applied to purposes of Order.

16. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Arrears of interest, &c. may be enforced by the appointment of a judicial factor.

17. If within two months after the interest on any mortgages granted by the Commissioners has become due, or after the period prescribed for the payment of the principal sums in such mortgages has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgages may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, require the appointment of a judicial factor, by an application to be made as herein-after provided.

Appointment of a judicial factor.

18. Every application for a judicial factor under the provisions of this Order shall be made to the Sheriff or Sheriff Substitute of the county of Ross. On any such application the said Sheriff or Sheriff Substitute may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the harbour rates hereby authorized, or other the revenue of the Commissioners, until all the arrears of interest or of principal, as the case may be, then due on the outstanding mortgages, together with all costs, includ-

ing the charges of receiving the said rates, be fully paid. Upon such appointment being made, all such rates as aforesaid shall be paid to and received by the person so appointed, and the money so received shall be so much money received by or to the use of the mortgagees, and so soon as the full amount of any interest or principal in arrear, and costs, has been so received, the power of such judicial factor shall cease: Provided always, that such judicial factor shall distribute among all the mortgagees to whom interest or principal shall be in arrear the rates and other monies which shall so come into his hands, having respect in such distribution to the priorities if any, of such mortgagees.

Amount to authorize application.

19. The amount to authorize the application for appointment of a judicial factor shall be one thousand pounds in one or more mortgages.

Exclusion of portions of Harbours, Docks, and Piers Clauses Act.

20. The following provisions of The Harbours, Docks, and Piers Clauses Act 1847, shall not be incorporated with this Order, namely, sections sixteen to nineteen, both inclusive, and sections twenty-five and twenty-six; and this Order shall be deemed "the special Act" within the meaning of the last-mentioned Act.

Confirmation of byelaws and provision for management of harbour.

21. Any byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed by the Board of Trade, which allowance shall be sufficient as confirmation thereof for all purposes; and it shall not be lawful for the harbour master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as he or they may be expressly authorized by the byelaws to do so.

Meters and weighers.

22. The Commissioners shall have the appointment of meters and weighers within the harbour.

Steam vessels, lighters, &c.

23. The Commissioners may provide such steam engines, steam vessels, piling engines, ballast lighters, rubbish lighters, and other machinery and vessels as they think necessary for the purposes of the harbour, and may demand and receive such sums for the use of the same as they think reasonable.

Harbours and Passing Tolls Act.

24. Part V. of The Harbours and Passing Tolls, &c., Act, 1861, shall apply to the Harbour of Stornoway.

Application of Charter.

25. Subject to the provisions of this Order, and of the enactments therewith incorporated, the Commissioners shall have all the powers and authorities conferred by and shall be subject to and bound by all the restrictions and stipulations contained in the said Feu Charter; and all property thereby expressed to be disposed to the Stornoway Pier and Harbour Commission is hereby vested in the Commissioners, subject as aforesaid, and to the provisions of the said Feu Charter, as far as the same are not inconsistent with this Order.

Saving rights of Sir James Matheson, Bart.

26. Nothing in this Order, or in any of the Acts therewith incorporated, shall authorize the Commissioners to take, use, or in any manner interfere with any land, soil, shores, foreshores, tenements or hereditaments, or any rights of whatever nature, belonging to or enjoyed or exerciseable by the said Sir James Matheson, Baronet, or to or by the heritable proprietor of the barony of

of the Lews and of the shores of the bay of Stornoway, or his successors or assigns, without his or their consent in writing, further or otherwise than is expressed and contained in the said Feu Charter; and, save as in this Order expressly provided, nothing in this Order shall divest, take away, prejudice, diminish, or alter any right, privilege, power, or authority vested in or enjoyed or exerciseable by the said Sir James Matheson or such proprietor as aforesaid, or his successors or assigns.

Saving for rights of third parties.

27. Nothing in this Order shall confer on or confirm to the said Sir James Matheson, his heirs, executors, administrators, successors, or assigns, any estate, right, title, or interest in or to any property or thing, or affect the estate, right, title, or interest (if any) of any person claiming any property adversely to him or them.

Short title.

28. This Order may be cited as The Stornoway Harbour Order, 1865.

The First Schedule to which the foregoing Order refers.

Know all Men by these presents, that I, Sir James Matheson, of Achany and the Lews, Baronet, Member of Parliament for the combined counties of Ross and Cromarty, heritable proprietor of the barony of the Lews, including the burgh of barony of Stornoway and of the shores of the bay of Stornoway:

Considering that whereas there is a pier or quay at Stornoway, called the Old Pier or Big Quay, belonging to me, which was in or about the year eighteen hundred and seventeen rebuilt by subscription, and that the feuars of Stornoway are desirous to have an influential voice in the management of the said Old Pier or Big Quay, and in the application of the dues collected thereat:

And whereas I am willing, not only to meet their wishes in these respects, by having the property and management of the said Old Pier or Big Quay effectually vested in a commission, to be to a large extent chosen by the municipal authorities of the burgh of Stornoway, or the feuars or parliamentary electors within the said burgh, in the way and manner after mentioned, which has been approved by a committee of the said feuars, but also, and to the satisfaction and with the approval of the said committee, further, with the view of and for the purpose of conferring on the said commission the means of improving and extending the harbour accommodation generally, to vest in the said commission, in addition to the said Old Pier or Big Quay, a portion of ground and shore at the east side of the said Old Pier or Big Quay and contiguous thereto, and also a large portion of ground and shore contiguous to the south side of the said Old Pier or Big Quay, and extending southward therefrom to and including the Old Castle, Steamers' Quay, booking office, and store house:

Therefore, and in consideration of the feu duties for the ground, and of the annual sum, herein-after termed an additional feu duty, as restricted interest on a sum of eight hundred and fifty pounds sterling, or thereby, expended by me on the Steamers' Quay and others herein-after conveyed, and which last-mentioned annual sum of additional feu duty is to be redeemable as after declared at sixteen and two thirds of a year's purchase—

Wit ye me to have sold, alienated, and in feu farm disponed, as I by these presents sell, alienate, and in feu farm dispone, from me, my heirs and successors, to and in favour (First) of myself and of Donald Munro, my chamberlain (as

chamberlain, but while and so long as he holds that office only, and who shall only be competent to act as a commissioner in my absence), (Second) to and in favour of Kenneth Smith, feuar and merchant, Norman McIver, feuar and shipowner, and John Morrison, feuar and merchant, all residing in Stornoway, three commissioners elected by the commissioners in Stornoway acting under the General Police and Improvement (Scotland) Act, eighteen hundred and sixty-two, (Third) to and in favour of Donald Mackenzie and Daniel Mc Alister, both feuars and shipowners in Stornoway, two commissioners nominated and appointed by me, and (Fourth), to and in favour of Kenneth Mackenzie, householder and bank agent, residing in Stornoway, the commissioner appointed by the Sheriff of the county under the power to that effect conferred by me (with concurrence of the said committee) upon him, being the seven persons who are to constitute for the current year the commission for managing the piers, quays, and harbour of Stornoway as after mentioned, and to be hereafter called "The Stornoway Pier and Harbour Commission," and to my successors, Superiors of the said burgh for the time, and to the chamberlain or factor of the Superior for the time (but only to act in absence of the Superior), and to the successors of the said several other persons before named to be appointed or to become members of said commission hereafter, and to the said Stornoway Pier and Harbour Commission itself, with perpetual succession, so soon as the said commission shall be incorporated:

First.—All and whole the vacant or lately vacant space or piece of shore ground at Stornoway lying to the east of the said pier or Big Quay, and between the same and the pier to the east of said ground, and opposite to the northern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, and northwards as far as in a line with the northern boundary or face of the said Old Pier or Big Quay, so that the pier or quay to be formed or lately formed by filling up said vacant or lately vacant space or piece of shore ground will adjoin or does now adjoin the said pier, and will be or now is in a line with said northern boundary or face of said Old Pier or Big Quay, and which vacant or lately vacant space or piece of shore ground is bounded as follows, viz.: On the west by the said Old Pier or Big Quay, along which it extends ninety-seven feet, measuring from the north-east corner of said Old Pier or Big Quay southwards to a point in North Beach Street fifty-one feet distant in a straight line drawn in a westerly direction from the east front of the house belonging to me next adjoining the said Old Pier or Big Quay, and presently occupied as a hotel and stores, and forty-three feet six inches distant in a straight line drawn southwards from the north boundary of the said feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie; on the south by a straight line extending eastwards from the point last-mentioned fifty feet six inches to a point forty feet six inches distant from the northern boundary of the said feu on the south side of North Beach Street; on the east to the extent of seventy-three feet by the said pier opposite to the eastern portion of the said feu on the south side of North Beach Street, and to the extent of twenty-seven feet farther north by the shore ground belonging to me, but upon which there is to be or has been built a prolongation of said pier last mentioned, so that the said vacant or lately vacant space or piece of ground hereby disponed will ultimately be or now is wholly bounded on the east by the pier last mentioned, as the same is to be or now is extended, and on the north by the shore ground belonging to me.

Second.—

Second.—All and whole the pier and quay at Stornoway called the Old Pier or Big Quay, lying immediately to the west of the vacant or lately vacant space or piece of shore ground last above described and above disponed, and north of the house and stores belonging to me next adjoining the said Old Pier or Big Quay, measuring on the east eighty-six feet along the said vacant or lately vacant space or piece of shore ground, on the south, fifty-one feet from the said vacant or lately vacant space or piece of shore ground to the north-east corner of the said house and stores belonging to me next adjoining the said Old Pier or Big Quay, and eighty-eight feet along the north wall of the foresaid house and stores, and from the north-west corner of said house and stores eighty-five feet westwards or seawards; and on the west and north by the sea.

Third.—All and whole the ground and shore at Stornoway to the south of the said Old Pier or Big Quay, and extending therefrom southwards, and lying to the west of a double straight line delineated in red ink, and extending from the point marked A upon a plan of the said subjects appended, and signed by me as relative hereto, and extending to the point marked B on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard and forty feet distant from the south-west corner of said subjects, thence in a straight line in a south-easterly direction to a point marked C on said plan forty feet distant from the point marked B, and thence in a direction a little more easterly to a point marked D on said plan forty-one feet distant from the point marked C, where the prsent building used as a steamer's store and booking office adjoin the landing slip, thence in a straight line nearly south to a point one hundred and eighty-eight feet distant from the point D marked E on said plan, and from the said point E, the shore and ground hereby conveyed is bounded on the south by a straight line to the point eighty feet distant marked F on said plan, and on the west from the said point F by a straight line in a line with the west face of the present steamer's quay, and one hundred and forty-five feet distant therefrom to a point marked G on said plan with the foreshore or solum seawards, or to the west of the present steamer's quay and line marked B, C, and A, and which ground includes theOld Castle, Steamer's Quay and storehouse, and booking office.

All the said three subjects lying within the town burgh and parish of Stornoway, barony of the Lews and county of Ross; Declaring that the said three subjects above disponed are so disponed, and that the foresaid descriptions thereof respectively are to be read and construed with reference to the delineation thereof shown by the double line in red ink on the plan of that part of Stornoway before mentioned hereto subjoined and signed by me as relative hereto, and no otherwise, with all right possessed by me to embank and appropriate the same for harbour purposes, and to levy and exact harbour dues and rates at the said piers and quays, and at all other piers and quays formed or to be formed, and to become vested in the said Stornoway Pier and Harbour Commission, in virtue of these presents, or of the powers to acquire further therein contained, with all my right, title, and interest thereto and therein, present and future, direct and contingent: Excepting and reserving always for the purpose of being used for proper access, and roadways or streets to be kept up, and maintained and managed as such in the same way as other roads and streets within Burgh, the spaces specially described in the fourth condition of these presents hereinafter written; and further reserving to me and to Thomas Reid feuar in Stornoway, and to our respective successors after written, special right of access

as in said condition expressed; as also excepting always from the said subjects all mines of gold and silver in terms of the exception in my crown grant of the Barony of the Lews; and hereby expressly declaring that the several subjects above described are disponed for the purposes, and with the powers, and under, and subject to the whole conditions, provisions, declarations, and obligations herein-after written, all and every one whereof my disponees before named forming the present Stornoway Pier and Harbour Commission by acceptance hereof, for themselves and their successors, forming the Stornoway Pier and Harbour Commission for the time, and the Stornoway Pier and Harbour Commission itself, in all time to come, shall, by acceptance hereof, be expressly held as a Commission to have adopted, and become bound as a Commission to fulfil in every particular, and which purposes, conditions, powers, provisions, declarations, and obligations are as follows:

First.—The said subjects shall be held by my said disponees as the persons constituting for the current year a commission or board to be called "The Stornoway Pier and Harbour Commission," as after provided, and by their successors appointed as after mentioned forming the Stornoway Pier and Harbour Commission for the time, for the purposes of managing the said piers, quays, and harbour now existing and all extensions or enlargements that may be made by them on the subjects hereby conveyed, or any other piers and quays that they may acquire in virtue of the powers herein-after conferred, and for the purposes of improving and extending the accommodation for trading, shipping, and fisheries, and with power to levy such dues thereat as they may legally be entitled or may be authorized to exact, and with power to appoint committees of their own number, and to appoint clerks, collectors, harbour masters, pier keepers, and all other officers, necessary for the proper management of the said piers, quays, and harbour, and to make and enforce all such rules and regulations for the management of said piers, quays, and harbour, and the use thereof, as they may be legally entitled, or may be authorized to make and enforce, and with full power, if they so think fit, to take all steps under the existing or any future General Pier and Harbour Acts, for enabling them to take the advantage thereof in all respects, and with power, if they find it necessary, to apply for a special Act of Parliament for the better management and improvement of the said piers, quays, and harbour; provided always, that in the latter event the said Act shall be applied for with my consent, or with the consent of the Superior for the time, and that such special Act shall be carried through by my agent, or the agent of the Superior for the time, all parties interested getting an opportunity of being heard for their interests in the usual manner: And generally with power to do all and whatsoever I could have legally done had I not granted these presents, except in so far as their powers are qualified or limited by the terms hereof.

Second.—The parties before named, other than myself and my chamberlain, shall hold office until the first Tuesday of the month of May eighteen hundred and sixty-five, that is, they shall cease to hold office at the end of the first Monday of May, and their successors appointed in their place shall enter on office upon the first Tuesday of May eighteen hundred and sixty-five, and in like manner the Commissioners named and appointed

appointed in their place shall hold office for one year from the said first Tuesday of the month of May in the year of their appointment to the end of the first Monday in the same month in the following year, and so forth in all time to come, that is, the said six Commissioners to be appointed annually shall hold office for one year, and no longer, it being nevertheless hereby declared that any or all of such Commissioners may be annually re-elected or re-appointed as often as the parties entitled to elect them may think fit.

Third.—The said Commission shall, in all time to come, consist and be composed of seven acting members, videlicet:—

(First.) Of the Superior of the burgh of Stornoway and his chamberlain for the time, the one in the absence of the other, declaring that the Superior for the time and his chamberlain shall be permanent Commissioners, but the one only to be capable of acting in the absence of the other; and the Superior of Stornoway, or his chamberlain for the time, shall, when present be chairman of the Commission, with a original or individual, and also in case of an equality of votes, with a casting vote.

(Second.) Of three Commissioners to be annually chosen at some time during the month of April by the Commissioners in Stornoway, acting under the General Police and Improvement (Scotland) Act eighteen hundred and sixty-two, or other general or local Act under which municipal elections shall from time to time fall to be made, and shall be made from among the said Municipal Commissioners themselves, the three members to be chosen being always feuars within said burgh, and each of them owners of property therein of ten pounds or upwards of annual value (as evidenced by the valuation roll of the county or for the district of the Lews for the time) and resident in or near Stornoway; and in case there shall not at any time exist such statutory Commissioners for municipal purposes, then the said three members of the Stornoway Pier and Harbour Commission shall be chosen by the persons within the burgh of Stornoway entitled to vote in the election of members of Parliament (as evidenced by the roll of parliamentary electors for the time), such three Commissioners so elected being always feuars, and each of them owners of property within the Burgh of Stornoway of the annual value of ten pounds or upwards (to be evidenced as aforesaid), and resident in or near Stornoway, and this at a meeting of the parliamentary electors within the burgh of Stornoway to be called by the Chairman of the Stornoway Pier and Harbour Commission, or in his absence by any three members of said Commission, by a printed or written notice to be posted in at least six public places in the town of Stornoway fourteen days previous to the day of election, or on such notice as may be prescribed by any byelaws or rules to be framed by the Stornoway Pier and Harbour Commission for regulating the calling of such meetings with the view to the election of members, full power to make such byelaws and regulations being hereby specially conferred on the said Commission.

(Third.) Of two Commissioners to be annually nominated on or before the first Monday of the month of May by me or the Superior of

Stornoway for the time from among the resident feuars within the burgh each being an owner of property therein of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or qualified to vote in the election for members of Parliament (to be evidenced as aforesaid).

(Fourth.) Of one Commissioner to be annually nominated by the sheriff of the county for the time from among the feuars, owners of property within the said burgh of the annual value of ten pounds or upwards (to be evidenced as aforesaid), or from among persons within the said burgh qualified to vote for members of Parliament (to be evidenced as aforesaid), or from among the householders of the said burgh occupying houses of the value of ten pounds or upwards (to be evidenced as aforesaid).

Fourth.—The said Stornoway Pier and Harbour Commission shall be bound, in case the site of the Old Castle included in the subjects third above disponed shall be built over, but if I or my foresaids so require only, to denote the central part of said Old Castle as now existing by preserving a proper and marked portion of the same, or in my option by a proper pillar or designating mark being placed so as to denote the site of such central part, and subject to the approval of me and my successors the said site may be further denoted by a flagstaff or signal post placed on the portion preserved, or on the pillar or designating mark substituted therefor; and the said Stornoway Pier and Harbour Commission shall be bound to leave at all times between the portion of the Old Pier or Big Quay above disponed to be occupied for proper pier or quay purposes or for curing ground and the houses or buildings belonging to me *ex adverso* a sufficient space of not less than twenty-five feet for the free and convenient access of the public and others requiring and using such access; and when the proposed extension of pier or quay and new steamers quay is formed there shall be at all times left by the said Stornoway Pier and Harbour Commission between the portion of such extended pier or quay to be used for proper pier or quay purposes, or for curing purposes or curing ground, and the houses and yards presently belonging to me and the said Thomas Reid *ex adverso* of said extended pier or quay, a free space next adjacent to the said houses on the west of not less than twenty-five feet in breadth, measuring from the north-west corner of the house and stores belonging to me next adjoining the aforesaid Old Pier or Big Quay to the south-west corner of the property belonging to the said Thomas Reid, and from this last-mentioned south-west corner of Thomas Reid's property a free space of not less than twenty-five feet to the west of the same straight line prolonged southwards to the point marked B. on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard, and forty feet distant from the south-west corner of said property, all for the purpose of affording free and convenient access and roadway or street for the use of the public and others to and from the piers and quays erected and to be erected as aforesaid; Declaring that the right to use the said spaces for roadways or streets is hereby reserved as fully and completely as if the *solum* thereof had not, with reference to the better carrying out of the objects of these presents, been conveyed by me to the said Harbour Commission, and that the said spaces are not to be held, either as regards surface or *solum*, any part of the subjects for which feu duty is payable by the said Harbour and Pier Commission; Reserving always to me and the said Thomas Reid and our respective successors and our and their tenants occupying the

the aforesaid houses and yards *ex adverso* of the said extended pier or quay a free space and convenient access to and from the said houses and yards, and the sea front of said extended pier or quay, but without prejudice to the said Stornoway Pier and Harbour Commission to exact and levy from me and the said Thomas Reid and our respective successors, and our and their tenants in the said houses and yards using the said pier erected or to be erected on the said vacant or lately vacant space to the east of the Old Pier or Big Quay, the said Old Pier or Big Quay and the Steamers Quay, and also the piers or quays to be formed *ex adverso* on the west of their said properties in Esplanade Row, when, but not until such last-mentioned piers or quays are formed, such dues for the use thereof as they may legally exact and levy from others using the same.

Fifth.—It is hereby provided and declared that the said Stornoway Pier and Harbour Commission shall not, and, by acceptance of these presents, they bind and oblige themselves that they shall not, erect or form upon the piers or quays hereby disponed or on the piers or quays to be formed on the portions of ground and shores hereby disponed, or on the piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired by the said Commission, any sheds, storehouses, or other erections whatever, whether of a temporary or permanent nature, and whether of stone or of brick, iron, or wood or other material, nor to project any stages, gangways, or platforms from said piers or quays into the sea in any direction except with the express consent in writing of me or the Superior for the time, and subject to such conditions as to removal or otherwise as I or the Superior for the time may see fit to impose in the event of our giving such consents as conditions thereof: And it is hereby further provided, and the said Stornoway Pier and Harbour Commission, by acceptance hereof, expressly consent and agree, that in case the said Commission shall, in breach of their aforesaid undertaking, make erections of any sort on the piers or quays hereby disponed, or those to be formed by them on the ground or shore hereby ceded, or piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired, or shall project stages, gangways, or platforms therefrom into the sea without the written consent of me or of the superior for the time, or in case of any failure on their part to observe or fulfil any conditions subject to which consent to make erections may have been given by me or the superior for the time, then and in any of these cases it shall be lawful to me or the superior for the time, at our own hands and without any proceeding at law or judicial warrant, to remove all such erections, whether the same be of a permanent or temporary character, and whether of wood or any more enduring material, and all stages, gangways, or platforms projected from the said piers or quays into the sea; and the said Stornoway Pier and Harbour Commission, by acceptance hereof, oblige themselves to pay to me or to the superior for the time the costs incurred by us in obtaining the removal of all erections made by them without written consent, or maintained contrary to the conditions on which such consent may have been given, including the cost of any judicial proceedings that may be resorted to by me or the superior for the time in order to obtain such removal should we see fit *ob majorem cautelam* to adopt such.

Sixth.—When the proposed extension and improvement at the steamers pier and Old Castle are effected, the said Stornoway Pier and Harbour Commission shall, as soon thereafter as they conveniently can, remove the present storehouse

at the Steamers Quay, and shall thereupon be bound to erect a new storehouse in a position suited to the altered circumstances of the quay ; and the position, character, and elevation of such new store or warehouse to be erected as aforesaid shall always be subject to my approval or to the approval of the Superior for the time. And there shall be reserved and set apart, for the free use of myself and the superior for the time, in the storehouse or warehouse to be erected instead of the existing storehouse at the Steamers Quay, an apartment, of not less than twenty feet in length and twelve feet in breadth, of which I and the Superior for the time shall have exclusive possession, and be entitled to keep at all times locked, and in the meantime I retain right to take the free use of the existing storehouse in so far as necessary for my proper accommodation.

Seventh.—Providing and declaring as it is hereby provided and declared that these presents are granted with and under the burden of the current agreement between the Messrs. Hutcheson & Co., Glasgow, and me (which the Stornoway Pier and Harbour Commission shall be bound to recognize and give effect to), by which they are secured the use, as for one year from the term of Whitsunday eighteen hundred and sixty-three, of the said store at the steamers quay, and a preferable right to the use and accommodation of that quay for their steamboats, and the loading and unloading with all proper use of the adjuncts and free access thereto ; as also the said Stornoway Pier and Harbour Commission become, bound by acceptance thereof that aye and until proper and better accommodation for steam boat traffic is substituted for the present, and capable of being used in place thereof, the Messrs. Hutcheson shall have a preferable right to be afforded the accommodation they presently enjoy upon fair and reasonable terms, and in case of difference of opinion the payments to be made by them for such interim accommodation being to be determined by me.

Eighth.—In the event of failure in any year of me or of the Superior for the time, or of the Municipal Commissioners or parliamentary electors, or of the Sheriff, to nominate Commissioners or a Commissioner, or in the event of any member of the said Stornway Pier and Harbour Commission dying, resigning, or becoming disqualified, or incapable of acting, or refusing to act, the other members of the said commission shall have power to name one or more commissioners to fill such vacancies for the year ; and three members of the said commission shall be a quorum, and the acts of such quorum shall always be valid and effectual.

Ninth.—The Stornoway Pier and Harbour Commission shall meet annually on the first Tuesday of May, and shall have power to adjourn their meetings from time to time as they may think fit, due notice of such adjournments being always given by the clerk to all members not present at the meetings at which the adjournments are made ; and the Superior or chamberlain as chairman shall be entitled to call a meeting of the Commissioners whenever they may deem it necessary ; and shall at all times be bound, on a requisition to that effect signed by two members of the Commission, to convene meetings of the Commission ; and in case of the refusal of the chairman to call a meeting when so required, or in case of the absence from the island of the Superior and chamberlain, a meeting may be called by any three members of the Commission on a notice of fourteen days, such notice always setting forth the object of and business requiring to be transacted at such meeting.

Tenth.—At the first meeting, or at any subsequent meeting or meetings as may be found convenient, the said Commission shall frame rules and regulations

tions for the conduct of the business of the Commission and general management of the piers, quays, harbour works, and harbour vested in them, in so far consistent with the several Pier and Harbour Statutes; and in case of any difference of opinion in regard thereto, the same shall be referred to two law agents in Edinburgh, the one to be named by the Superior and the other to be named by members differing in the opinion from him.

Eleventh.—The said Stornoway Pier and Harbour Commission shall keep a full and distinct register of their proceedings, and distinct accounts of all revenue received by them for and in respect of the use of the piers, quays, harbours, warehouses, and grounds hereby transferred to them, or which may be hereafter acquired by them, and for and in respect of any erections to be hereafter made by them on the ground and shore above conveyed, and of any erections and any ground hereafter acquired by them as in extension of pier and harbour accommodation, and to that end and without prejudice to the general power before given to them, and obligation by these presents placed on them, to appoint all officers necessary for properly carrying out the objects of the Commission, the said Stornoway Pier and Harbour Commission shall be bound at their first meeting, or if then not convenient, at a meeting to be held not later than three months thereafter, to appoint a competent person to be clerk, and the same or other competent person may be treasurer and collector to the Commission with suitable remuneration, and it is hereby (without prejudice to the power of the said Commission to confer on the said officials other duties and more exactly to define their duties) declared that it shall be the duty of the clerk to attend all meetings of Commission and of committees of Commission, and to take and frame proper minutes of the proceedings at such meetings, and if required, to frame reports of committees, and when the same have been confirmed, to engross them in a register to be kept of the minutes and proceedings of the Commission, as also to record in the said register all other writings necessary or calculated fully and distinctly to show and preserve evidence of the whole actings and transactions of the Commission; and it shall be the duty of the clerk to conduct the correspondence of the Commission and duly to file and preserve all letters received on the business of the Commission and duly to record in letter books to be kept for that purpose all letters written by him on the business of the Commission, alike those written under the direct authority of the Commissioners as letters written by him in the ordinary conduct of its business, and which letter books shall for ease of reference be duly indexed by the clerk; and it shall be the duty of the treasurer to keep an exact account of all sums in the shape of revenue received by him on behalf of the Commission, and to pay the whole thereof from time to time into a bank account to be kept in the name of the Commission to be termed "Revenue Account," and to be operated upon by cheques signed by the chairman and treasurer under authority therefor to be given by the Commission, and an exact account of all payments made by him on behalf of the Commission, and as out of the revenue bank account, and which payments shall not be made by him out of revenue directly received but from money to be from time to time specially drawn from the said bank account by the Commission, and placed in his hands for the purpose of such payments; and the treasurer shall in like manner keep an account of all moneys received by him as from loans or otherwise towards the extension and improvement of the pier, quay, and harbour accommodation, which shall be paid wholly into a separate bank account, to be kept in name of the Commission, to be termed "Improvement Account," and to be operated upon as in the case of the other account; and he

shall keep a distinct account of all payments made by him out of said moneys to be drawn and placed in his hands for that purpose, and the treasurer shall at the first meeting of Commission that may be held not sooner than one month after the term of Martinmas yearly, make and exhibit to the Commission a distinct account of revenue or income and expenditure thereout for the year terminating at such term, and showing the sources from which the various items of revenue are derived, and the several objects to which the expenditure thereout has been applied, and the excess of the one over the other; and in like manner he shall at the same time make out and exhibit along with the said account of revenue another account of loans (if any such have been received), showing the amounts and from whence derived, and the several objects for which any payments thereout have been made, and which several accounts the commission shall themselves or by others examine, and on being satisfied that the same are in all respects correctly stated and duly vouched, they shall docquet the same as accurate and approved, and they shall be engrossed by the clerk in the register of proceedings before directed to be kept by the clerk to the commission as aforesaid; declaring however hereby that although separate bank accounts as for revenue and as for loans for improvements are to be kept, yet it is not therefore meant that the said Commission shall not have full power to apply money derived from revenue to the improvement and extension of the pier, quay, and harbour accommodation, but the said Commission shall on the contrary have full power to draw out of the revenue account and pay into the improvement account, to be employed towards improvements and extension of the pier, quay, and harbour accommodation, such sums as from time to time the said Commission may think right, and to apply the same accordingly.

Twelfth.—The Stornoway Pier and Harbour Commission shall, in so far as not already done, immediately fill up and form into a pier or quay, according to a plan to be approved by them or by the provisional committee after mentioned, the vacant or lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, being the piece of shore ground first above conveyed, the cost of such operations being, in so far as not falling to be borne by others, defrayed out of the fund after mentioned.

Thirteenth.—The Stornoway Pier and Harbour Commission shall, with as little delay as may be, take the neccessary steps under the several Pier and Harbour Statutes, or otherwise in their discretion, for incorporating the said Commission and for obtaining power to enable them to levy such dues and rates as may be necessary for executing such works as may be deemed expedient, and generally to obtain themselves as an incorporated body, vested with such powers as may be proper to enable them to improve and extend the pier, quay, and harbour accommodation at Stornoway, by obtaining the consent of the Board of Trade or other competent authority, to extend the same seaward over the shore between the Old Pier or Big Quay and the Old Castle, including therein the present pier called the Steamers Pier with the view and for the purpose and to the effect of providing enlarged space for the accommodation of shipping, traders, fish curers, and fishermen; and also proper and permanent pier, quay, and harbour accommodation for steam vessels, and also for raising funds for the purposes agreed on by means of loans from the Public Works Commissioners, or otherwise, hereby declaring, that I, or the Superior for the time, shall be bound upon the said Commission

Commission becoming incorporated, to grant all or any deeds deemed neccessary for fully and completely vesting the Commission as a corporation in the subjects hereby disponed, but in conformity always with these presents and my rights under the same.

Fourteenth.—Providing and declaring, as it is hereby expressly provided and declared, that in case the said Stornoway Pier and Harbour Commission shall not have raised or at least secured the obtaining of the funds (not less than two thousand five hundred pounds sterling) necessary to enable them to provide better accommodation within the space of three years from their first meeting, then and in that case the subjects first and third above conveyed shall (in my option to be declared in a writing to be addressed to the said Commission and delivered at the usual place of meeting of the said Commission to the said Commission or to their clerk) revert to me and my heirs and successors, and shall, from the expiry of that period, cease to belong to the Stornoway Pier and Harbour Commission, and this present deed, in so far as regards the subjects first and third above conveyed, and all relative conditions, shall become void, and the said Stornoway Pier and Harbour Commission shall be bound to grant to me a reconveyance of the said subjects and a discharge of all claims any way competent to them in relation thereto under these presents, and I shall be entitled, failing their so doing, to pursue declarators of extinction of rights, denuding, &c., or other apt action before the Court of Session, in which it shall be sufficient to call the persons appointed members of said Stornoway Pier and Harbour Commission last before the date of raising said action for establishing my right to the said subjects, and denuding the said Commission thereof, with conclusions for having the said subjects disburdened of all claim at the instance of the said Stornoway Pier and Harbour Commission, and for the recording of the decree to be pronounced in the register of sasines as for my reinvestiture in the said subjects and for publication in case I or the Superior for the time may prefer that course to compelling the said Commission by action to reconvey; and such decree, when recorded in the register of sasines, shall have all the effect of a recorded conveyance of the subjects first and third above disponed, and form a complete reinvestiture of the superior therein, and a full discharge thereof from all and every claim at the instance of the said Commissioners, who shall, from the date of any reconveyance by them or decree obtained by the Superior under this provision, be freed and relieved of the feu duties of fifteen shillings and ten pounds and additional feu duty of thirty pounds hereby stipulated to be paid for the said subjects first and third above disponed respectively; excepting always any arrears for former years and the proportions for the period between the date of reconveyance or the decree and the term of Whitsunday preceding, all which shall remain entire to the Superior and capable of exaction by him from the said Commission.

Fifteenth.—The amount of rents and dues formerly collected at and for the Old Pier or Big Quay, presently deposited in the National Bank of Scotland at Stornoway, and amounting, as at twenty-third February eighteen hundred and sixty-three, to the sum of two hundred and fifty-nine pounds nine shillings and fivepence, besides interest at the rates allowed by the bank from the first day of November eighteen hundred and sixty-two, with the bank interest that shall have since accrued thereon, shall be transferred to the name of the Stornoway Pier and Harbour Commission. and shall be at their disposal for the objects of the Commission, and the bank account therefor shall be operated on by cheques signed by the Superior or chamberlain, as chairman of the Com-

mission, and by the person appointed and acting as clerk or treasurer of said Commission, under and in terms of authority by the said Commission from time to time given to sign such cheques; and the sum now in bank as aforesaid shall be primarily applied to defraying the costs on both sides of taking out of court an action of declarator, at my instance presently pending in the Court of Session, against the said Kenneth Smith, and certain other parties at Stornoway, and extracting the decree therein, and the costs on both sides of these presents, and of recording the same, and thereby or otherwise duly vesting my disponees in the said subjects; and in the second place in defraying the cost of filling up the vacant or lately vacant space or piece of shore-ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street, that belonged to the late Daniel Lewis Mackenzie, under the obligation to do so above placed on my disponees.

Sixteenth.—To facilitate the raising of the funds that may be necessary for the improvement and extension of the piers, quays, and harbour, I hereby agree that, if requisite, I will postpone the sum of thirty pounds of additional feu duty in respect of the subjects third above disponed, being the proportion of additional feu duty fixed upon as a yearly return as in place of restricted interest on the outlay made by me on the subject third above disponed, to the payment of the annual sum which it may become necessary for the Commission to pay in respect of the money to be borrowed by them for such improvement and extension; it being, however, hereby stipulated that in case the revenue of the piers, quays, and harbour shall be insufficient to meet the cost of management, the ground feu duties of fifteen shillings, three pounds, and ten pounds, the annual payment to the Public Works Loan Commissioners or other parties advancing money for the improvement or extension of the piers, quays, and harbour on the security thereof, and the said sum of thirty pounds of additional feu duty, then the last-mentioned sum of thirty pounds of additional feu duty shall only be postponed until funds become available for its payment when it shall be paid with interest.

Seventeenth.—In respect that it was not found convenient to form the said Stornoway Pier and Harbour Commission by the execution of these presents at an earlier period: And whereas the said Kenneth Smith, Norman Mac Iver, John Morrison, and the said Donald Munro, my chamberlain, have been acting as a provisional committee with the view of filling up the vacant or lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, regulating the portions of the same, and of the said Old Pier or Big Quay to be let for herring curing purposes, appointing a harbour master, and otherwise performing certain of the duties hereby devolved upon the Stornoway Pier and Harbour Commission, the said Commission shall adopt, recognise, and give effect in all respects to the actings of the said provisional committee, and shall relieve the said committee of all outlays made and obligations undertaken by them in their actings as a provisional committee on their duly accounting for all sums received by them for and in respect of the said Old Pier or Big Quay or other of the subjects above disponed and dues leviable thereat.

Eighteenth.—The whole foregoing purposes, powers, conditions, provisions, declarations, and obligations with this eighteenth provision itself, and the tenendas and reddendo clauses after written, with the clause allowing partial redemption

redemption of the said additional feu duty of thirty pounds in place of restricted interest on outlay (unless such redemption has been made or until it be fully made), shall be made real burdens on the subjects above conveyed respectively by the recording of these presents or of a notarial instrument containing the said purposes, powers, conditions, provisions, declarations, obligations, and clauses in the General or Particular Register of Sasines withiu three months from the date hereof, and the said purposes, powers, conditions, provisions, declarations, obligations, and clauses shall be repeated or competently referred to in all future deeds transmitting or vesting the said subjects all under the pain of nullity in case of the non due recording of these presents, or of a notarial instrument in the requisite form, and containing as aforesaid, or of the omission from future deeds of transmission or investiture of the said purposes, powers, conditions, provisions, declarations, obligations, and clauses or competent and equivalent references thereto; but declaring, as it is hereby specially provided and declared, that any alteration on or addition to the conditions and provisions herein contained which may be made by the Board of Trade or other competent authority under the application to be made for power and authority to such Commission, or that may be made by Parliament, shall be held to be part and parcel of these presents, and shall control, and limit or extend, as the case may be, the terms and conditions hereof, and the rights hereby granted or intended to be granted in the same way as if such alterations and additions had been herein engrossed, without prejudice to and always reserving entire my rights as Superior, and payments due to me under these presents as such Superior.

With entry to the said subjects as at the term of Whitsunday 1864; To BE HOLDEN the said several subjects above disponed by the said present members of the Stornoway Pier and Harbour Commission above named, and their successors forming the said Commission for the time, and by the said Stornoway Pier and Harbour Commission itself, of and under me and my successors as superiors of the same, in feu farm, fee, and heritage for ever.

GIVING therefor yearly the said Stornoway Pier and Harbour Commission to me and my aforesaids as follows; videlicet,—for the subjects first above disponed the sum of 15*s.* sterling of feu duty, for the subjects second above disponed the sum of 3*l.* sterling of feu duty, and for the subjects third above disponed the sum of ten pounds sterling of feu duty as for the ground thereof, and the farther sum of 30*l.* sterling of additional feu duty, as in the place of restricted interest on the sum of 850*l.* sterling or thereby expended by me upon the said subject third above disponed (redeemable the said additional feu duty of thirty pounds as after mentioned) beginning the first payment of said feu duties of 15*s.*, 3*l.*, and 10*l.*, and the said additional feu duty of thirty pounds at the term of Whitsunday 1865, as for the year preceding, and so forth at Whitsunday yearly in all time thereafter, with interest at the rate of 5 per cent. per annum of each year's feu duty from the time the same falls due till payment, and doubling the said sums of 15*s.*, 3*l.*, and 10*l.* every twenty-fifth year as a composition in place of entry, hereby specially declaring that the security for the said several sums of feu duty amounting in all to 43*l.* 15*s.* sterling (including therein the annual return or additional feu duty of 30*l.* as in place of restricted interest on outlay redeemable as after mentioned) shall equally extend over all the three subjects above conveyed; and I and the Superior for the time shall be entitled to proceed against all or any of

the said subjects for the recovery of the whole feu duties and additional feu duty stipulated for as aforesaid, and to enter into possession thereof, and of the rents and dues leviable therefrom, just and sicklike as if the said three subjects had been disponed as one, and as if the said several feu duties and additional feu duty had been stated as a *cumulo* feu duty payable for the said several subjects as one; but declaring also that in the right to the said subjects first and third above disponed reverting to me or the superior for the time; under and in terms of the fourteenth condition of these presents, then and in that case the feu duties of 15*s.*, 10*l.*, and the said additional feu duty of 30*l.* if the said last-mentioned feu duty shall be then unredeemed, or to the extent to which it shall be then unredeemed, shall cease and determine, as in said condition stipulated; but providing and declaring as it is hereby expressly provided and declared, that it shall be in the power and option of the said Stornoway Pier and Harbour Commission to redeem the said additional feu duty of thirty pounds stipulated for, as in place of restricted interest on outlay at 16 years and two thirds of a year's purchase of the same, that is to say, to redeem the whole annual payment of 30*l.* by payments at any term of Whitsunday, of a sum of 500*l.*, or to redeem the same gradually by payments at any term of Whitsunday, of not less than a sum of one hundred pounds at a time, in which case for each one hundred pounds paid to me or my successors, as in redemption of said feu duty of 30*l.*, one fifth thereof or 6*l.* yearly shall be extinguished, and on payment of the said sum of 500*l.* I shall be bound to grant and record, but at the expense of the Stornoway Pier and Harbour Commission only, a discharge and renunciation of the said sum of 30*l.* of additional feu duty, and, on payment of each sum of 100*l.*, I shall be bound to grant and record, but at the expense of the said Stornoway Pier and Harbour Commission only, a discharge and renunciation of six pounds or one fifth of said feu duty of 30*l.* sterling:

And I assign the writs, but to the effect only of maintaining and defending the above-named members of the Stornoway Pier and Harbour Commission, and their successors, forming the said Stornoway Pier and Harbour Commission, and the said Stornoway Pier and Harbour Commission itself, in the right of the lands, and others hereby disponed; and for that purpose I oblige myself and my foresaids to make the same forthcoming to the said Stornoway Pier and Harbour Commission at their expense on all necessary occasions on a receipt and obligation to re-deliver the same within a reasonable time and under a suitable penalty; and I assign the rents, dues, and rates proper to the subjects hereby disponed; and I oblige myself to free and relieve the said Stornoway Pier and Harbour Commission of all feu duties, casualties, and public burdens due at and previous to entry; and I grant warrandice of the said subjects, and of the rents and dues leviable therefrom; but as regards the shore to the extent only to which in law I have right to use the same under my grant thereof from the Crown or otherwise, and as regards the rents and dues to the extent only to which I have right to exact and levy the same; and I consent to registration hereof for preservation; and also to registration in the general or particular register of sasines as for investiture and publication.

In witness whereof I have subscribed these presents written on this and the twenty-nine preceding pages of stamped vellum, by Thomas Gilbert, Clerk to Messrs. Cheyne and Stuart, writers to the Signet, Edinburgh, (the word "Scotland"

"Scotland." having been previously interlined to read as the sixth word of the nineteenth line of page second; the words "to a point," to read as the tenth, eleventh, and twelfth words of the twenty-third line of page fifth; the words "the revenue of" to read as the fifth, sixth, and seventh words of the thirty-second line of page twenty-fourth; and the word "duly" as the seventh word of the thirtieth line of page twenty-fifth; and the word "same" having on the fourteenth line of page twenty-first been previously partly written on an erasure; also the word "time" having been previously interlined to read as the seventh word of the fourth line of page twenty-fourth; and the word "harbour" on the thirty-first line of page first having been previously deleted) at Lews Castle, Stornaway, the ninth day of August eighteen hundred and sixty-four years; Before these witnesses, William Edward Martin, my Butler, and Thomas Mackay, my Piper, both residing at Lews Castle.

(Signed) JAMES MATHESON.

(Signed) W. E. MARTIN. Witness.
(Signed) T. MCKAY. Witness.

Registered in the Particular Register of Sasines for Inverness, &c. 1st October 1864.

The SECOND SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR TO LOAD OR UNLOAD.

	s.	*d.*
For every sailing or steam vessel loading or unloading, per registered ton	0	3
For every vessel laid up for wintering, per month, per registered ton (and in proportion for a less or longer period)	0	1½
For every loaded vessel which shall use any quay or landing-place without discharging or loading, per registered ton, per fortnight (and in the same proportion per ton for every fortnight or part of a fortnight after the first fortnight)	0	1½
For every vessel, light or in ballast and departing in ballast, using any of the quays or landing places, per registered ton	0	1½
For every boat or undecked or unregistered vessel of 8 tons burden and upwards, using any quay or landing-place, loading or unloading cargo	2	0
For every vessel which may be moored within a line from the Old Castle to Ard Point or Aird-a-Chelirich for repairs, for six days or any lesser period, 1½*d.*, and for any longer period than six days, 3*d.* per registered ton.		

II.—RATES ON HERRING BOATS, &c.

For every herring boat, and every undecked boat prosecuting the herring fishing during the season in the month of May, June, or July, yearly	7	0

III.—Rates on Animals and Goods shipped or unshipped, received or delivered, at or transhipped within the limits of the Harbour.

	s.	*d.*
Ale, beer, or porter, per hogshead	0	2
Ballast, per ton	0	1
Bark, in bulk, per ton	1	0
Beef, fresh or salted, or other provisions, per barrel	0	2
Biscuits and bread, per barrel bulk	0	1
Bones, per ton	0	6
Bone dust, per ton	0	8
Bran, per cwt,	0	1
Bricks, per 1,000	0	8
Butter, per cwt.	0	2
Carriages, with four wheels, each	0	8
Carriages with two wheels, each	0	6
Carts, each	0	6
Cattle, viz.:—		
Bulls, each	0	3
Cows, heifers, oxen, and stirks, each	0	2
Calves, each	0	1
Horses, asses, and mules, each	0	2
Pigs, each	0	1
Sheep, per score	0	6
Lambs, per score	0	3
Chalk, per ton	0	8
Cheese, per cwt.	0	3
Chimney cans, per score	0	3
Cloth, haberdashery, &c., per barrel bulk	0	2
Carriage or cart wheels, per pair	0	2
Coal, per ton	0	2
Copper, per ton	1	4
Cordage, per cwt.	0	2
Cork, per cwt.	0	2
Cracklines, per cwt.	0	1
Cotton (raw), per ton	1	0
Dogs (sporting only), each	0	2
Earthenware, per barrel bulk	0	1
Eggs, per barrel bulk	0	2
Empty barrels, each	0	0½
Fish, salted or dry, per ton	0	6
Flax, per ton	1	0
Flour, per sack	0	1
Ditto, per barrel	0	1
Fowls and ducks, live, per dozen	0	1
Furniture (household), per barrel bulk	0	1
Fruit of all kinds, per barrel bulk	0	1
Gates (iron) of all sizes, each	0	3
Geese and turkeys, live, each	0	1
Glass (window), per crate	0	3
Grain—viz, wheat and malt, per quarter	0	3
Barley, bear, peas, beans, oats, and all other descriptions of grain, per quarter	0	2
Grease, per cwt.	0	2
Groceries, per barrel bulk	0	1
Guano and artificial manures, per ton	0	6
Grates and stoves, each	0	1
Gunpowder, per cwt.	0	4
Hardware, per barrel bulk	0	1

		s.	*d.*
	Hay, per ton	0	6
	Hemp and cotton, unwrought, per ton	1	0
	Herrings, fresh (exported only), per box or barrel	0	1
5	Ditto, cured ditto per barrel	0	1
	Hides, per ton	1	0
	Hoops (wooden), per 1,000	0	5
	Husbandry (utensils of):—		
	Ploughs, each	0	3
10	Harrows, each	0	2
	Rollers, each	0	3
	Drill harrows, each	0	2
	Reaping machines, each	0	3
	And all other implements, per cwt.	1	0
15	Iron, pig or old, per ton	0	6
	Ditto, bar, bolt, or rod, per ton	0	6
	Kelp, per ton	0	3
	Lathwood, per fathom	1	0
	Lead of all kinds, and zinc, per ton	0	6
20	Leather, per ton	0	10
	Lime, per barrel	0	0½
	Limestone, per ton	0	1
	Lobsters, per box	0	1
	Machinery, per ton	1	0
25	Manure, per ton	0	2
	Meal and flour, per bag of 280 lbs.	0	1
	Millstones, each	0	8
	Molasses and treacle, per ton	0	5
	Oakum, per cwt.	0	0½
30	Oil, per ton	1	0
	Oilcake, per ton	0	6
	Oranges, per box	0	2
	Oysters, per box or sack	0	1
	Paper, per cwt.	0	1
35	Peats, per ton	0	1
	Potatoes, per ton	0	5
	Poultry, including pigeons, game, and other birds, per box	0	2
	Ropes and rags (old), per ton	0	6
	Salt, per ton	0	3
40	Salmon, per box	0	1
	Sand, per ton	0	1
	Seeds, per 8 bushels	0	2
	Shearing hooks, per gross	0	1
	Shot, per cwt.	0	1
45	Slates, under size, per 1,000	0	3
	Ditto, sizeable, per 1,000	0	4
	Soda-water and lemonade, per gross of 144 bottles	0	3
	Spades and shovels, per dozen	0	1
	Spirits, per hogshead of 56 gallons	1	0
50	Staves (barrel), per 1,000	0	1
	Stones, paving or dressed), per ton	0	1
	Ditto, others, per ton	0	1
	Snuff, per cwt.	0	8
	Stucco, per ton	0	6
55	Sugar, per ton	0	10
	Tallow, per ton	0	6
	Tar, per barrel	0	1
	Tea, per chest	0	4

	s.	*d.*
Tiles or pipes for draining, per 1,000	0	6
Ditto, for roofing, per 1,000	0	6
Timber, unwrought, of all kinds, per load of 50 cubic feet	0	6
Spars or poles, 22 feet in length and under, per 120	1	0
Ditto, 22 feet in length and upwards, and not exceeding 6 inches in diameter, per 120	2	6
Tobacco, per roll	0	1
Tin, per box	0	1
Tow, per ton	0	5
Vitriol, per carboy	0	1
Wheels (carriage or cart), per pair	0	2
Wilks, per sack	0	1
Wine in cask, per hogshead	1	0
Ditto in bottle, per barrel bulk	0	1
Wool, per cwt.	0	1
Yarn, per ton	1	0
All other unenumerated articles to pay at landing or shipping:—		
If by measurement, per barrel bulk	0	1
If by weight, per ton	0	8

Articles which can be measured to pay by barrel bulk, all others by weight.

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet, not exceeding two and half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

Exemptions from above-mentioned Rates.

1. All vessels mooring or using the anchorage ground within the limits of the harbour for refuge or waiting a wind, and all yachts and pleasure vessels, and all open boats other than the boats above specified.

2. Goods, articles, effects, materials, matters, and things bonâ fide the property of the Superior of the burgh of Stornoway for the time, his family, or visitors at Lews Castle, or for their use or for the use of the Lews estate, landed or loaded at the shores of any part of the west side of the bay of Stornoway between Arnish Point and the water of Bayhead.

3. All returned empty boxes, barrels, sacks, and packages.

4. Passengers luggage not exceeding 2 barrels bulk; all above to pay the ordinary rates.

5. The furniture and luggage of fishermen coming to or returning from the herring fishery at the commencement or end of the fishing season.

6. Dogs used by servants in charge of live stock.

IV.—Rates for the use of Sheds, Cranes, and Weighing Machines.

1. *Sheds.*

For each ton of goods of eight barrels bulk, or for each ton of goods of twenty cwt., which shall remain in any shed or on the pier for a period not exceeding three days, the sum of threepence, and the sum of one penny halfpenny per ton for each day during which such goods shall remain after three days.

2. *Cranes.*

2. *Cranes.*

				s.	*d.*
All goods or packages not exceeding	1 ton			0	3
Exceeding	1 ton	and not exceeding	2 tons	0	4
„	2 tons	„	3 tons	0	6
„	3 tons	„	4 tons	0	8
„	4 tons	„	5 tons	0	10
„	5 tons	„	6 tons	1	0
„	6 tons	„	7 tons	1	2
„	7 tons	„	8 tons	1	4
„	8 tons	„	9 tons	1	8
„	9 tons	„	10 tons	2	0
„	10 tons	-	-	3	0

3. *Weighing Machines.*

For goods weighed one penny for each ton or part of a ton.

Pier and Harbour Orders Confirmation (No. 3.)

A

BILL

[AS AMENDED IN COMMITTEE]

For confirming with Amendments certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Girvan, Mevagissey, and Stornoway.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed* 16 *June* 1865.

[Bill 223.]

Under 9 *oz.*

A

BILL

FOR

Confirming a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tyne.

WHEREAS a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, does not take effect unless and until it is confirmed by Act of Parliament: And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act, and set out in the Schedule hereto, should be confirmed by Act of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Provisional Order set out in the Schedule hereto shall be and is hereby confirmed, and all the Provisions thereof, in manner and form as they are set out in the said Schedule, shall from and after Confirmation of Order.

after the *passing of this Act* take effect and have full Validity and Force.

Short Title.

2. This Act may be cited as The (Tyne) Pilotage Order Confirmation Act, 1865.

SCHE-

SCHEDULE.

THE TYNE.

Provisional Order of the Board of Trade for constituting Pilotage Commissioners for the River Tyne, and for regulating their Jurisdiction.

WHEREAS, under The Merchant Shipping Act Amendment Act, 1862, certain persons interested in the pilotage of the Tyne, made application in writing to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying the Board of Trade to make a Provisional Order under the said Act, to transfer the jurisdiction in pilotage matters within the river Tyne, and into and out of the same, then and now exercised by the Trinity House of Newcastle-upon Tyne, and the monies belonging thereto, to a local pilotage authority to be constituted by such Order, so as to represent the interests of the various Ports concerned: Preamble.

AND WHEREAS notice of the application aforesaid was published according to the requirements of the said Act:

AND WHEREAS the Board of Trade at the time in the said Act appointed in this behalf referred the said application to the pilotage authority of the district, namely, the Trinity House of Newcastle-upon-Tyne, and more than six weeks have elapsed since such reference before the making of the present Provisional Order:

AND WHEREAS the Board of Trade, after making such inquiries as they thought expedient, and after considering all objections, determined to proceed with the proposed Provisional Order, and accordingly have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not have any effect):

NOW, THEREFORE, the Board of Trade do by this their Provisional Order, in pursuance of The Merchant Shipping Act Amendment Act, 1862, and by virtue and in exercise of the powers thereby in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:

The Tyne Pilotage Commissioners.

2. There shall be a body of Commissioners for carrying this Order into execution, the full number of whom shall be seventeen, which Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of The Tyne Pilotage Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of land and other property Incorporation of Commissioners.

property for the purposes, but subject to the restrictions, of this Order. The term "the Commissioners" herein-after used means the Tyne Pilotage Commissioners.

Appointment and election of Commissioners.

3. The appointment and election of the several Commissioners shall be regulated as follows:—

(1.) The Board of Trade shall, as soon as may be after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties:

(2.) The Tyne Improvement Commissioners shall, as soon as may be after the passing of an Act confirming this Order, appoint one person to be a Commissioner, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of this Commissioner shall appoint another person to fill the vacancy:

(3.) The Pilots licensed for any part of the River Tyne or the entrance thereof shall from time to time elect two persons to be Commissioners:

(4.) The registered Shipowners of Newcastle-upon-Tyne shall from time to time elect three persons to be Commissioners:

(5.) The registered Shipowners of North Shields shall from time to time elect three persons to be Commissioners.

(6.) The registered Shipowners of South Shields shall from time to time elect three persons to be Commissioners.

(7.) The Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne shall, as soon as may be after the passing of an Act confirming this Order, appoint three persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of those three Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

Tenure of office of appointed Commissioners.

4. Each appointment of a Commissioner (other than Commissioners elected by Pilots and by Shipowners) shall be determinable at any time by the authority which appointed that Commissioner, and (subject thereto and to the other provisions of this Order, and of any Act incorporated therewith) each such appointment shall be operative for five years and no longer, but at the end of the term of five years an outgoing Commissioner shall be capable of re-appointment.

Election of Commissioners by Tyne Pilots.

5. With respect to the election of Commissioners by the Tyne Pilots the following provisions shall take effect:—

(1.) The first meeting of Tyne Pilots for the election of a Commissioner shall be held at the Town Hall of the Borough of South Shields, within one calendar month after the passing of an Act confirming this Order, at a time to be advertised by Mr. William Elliott Duncan, solicitor, or in his default by the Board of Trade, five days at least before the day of meeting, by hand bills posted in Newcastle-upon-Tyne, and in North and South Shields.

(2.) Annual

(2.) Annual meetings of Tyne Pilots for the election of Commissioners shall be held at the Town Hall of the Borough of South Shields aforesaid, or at such other place within the said Borough as the Commissioners from time to time appoint, on such day within ten days next before the first day of October in each year as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand bills posted in Newcastle-upon-Tyne and in North and South Shields:

(3.) Such only of the said pilots as are licensed at the time of the passing of an Act confirming this Order shall be entitled to attend the said first meeting and to take part and vote in the election of Commissioners thereat:

(4.) Such only of the said pilots as are licensed on or before the 31st day of December next preceding each annual meeting shall be entitled to attend the said annual meetings and to take part and vote in the election of Commissioners thereat respectively:

(5.) At each annual meeting the Chairman of the Commissioners, or in his unavoidable absence one of the Commissioners appointed by the Board of Trade, shall attend and act as chairman of the meeting:

(6.) The election of Commissioners at the first and each annual meeting shall be made by the majority of licensed pilots present at the meeting:

(7.) Each Commissioner elected at the first or at any annual meeting shall go out of office at the next annual meeting, but shall be re-eligible:

(8.) Section nineteen of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Election of Commissioners by Newcastle-upon-Tyne Shipowners.

6. With respect to the election of Commissioners by the registered Shipowners of Newcastle-upon-Tyne, the following provisions shall take effect:

(1.) The first meeting of the registered Shipowners of Newcastle-upon Tyne for the election of Commissioners shall be held at the Town Hall of the borough of Newcastle-upon-Tyne within one calendar month after the passing of an Act confirming this Order, at a time to be advertised by the said W. E. Duncan, solicitor, or in his default by the Board of Trade, five days at least before the day of meeting, by hand bills posted in the borough of Newcastle-upon-Tyne:

(2.) Annual meetings of the registered Shipowners of Newcastle-upon-Tyne for the election of Commissioners shall be held at the Town Hall aforesaid, or at such other place within the borough of Newcastle-upon-Tyne as the Commissioners from time to time appoint, on such day within ten days next before the first day of October in each year as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand bills posted in the borough of Newcastle-upon-Tyne:

(3.) Such only of the registered Shipowners of Newcastle-upon-Tyne as are registered at the time of the passing of an Act confirming this Order shall be entitled to attend the said first meeting and to take part and vote in the election of Commissioners thereat:

(4.) Such only of the registered Shipowners of Newcastle-upon-Tyne as are registered on or before the 31st day of December next preceding each annual meeting shall be entitled to attend the said annual meetings and to take part and vote in the election of Commissioners thereat respectively :

(5.) At the first and every such annual meeting a list of the names of the registered Shipowners of Newcastle-upon-Tyne, up to and inclusive of the then last 31st day of December, certified under the hand of the Collector or other principal Officer of Customs of the port, shall be sufficient evidence of the persons named therein being registered Shipowners of Newcastle-upon-Tyne, and as such entitled to attend the meeting and take part and vote in the election thereat. The said Collector or principal Officer shall supply a copy of such list to every person requiring the same on payment of the sum of 6*d.* for every 100 words of such copy, and copies of such list shall be fixed by the Clerk of the Commissioners on the outer doors of the Town Hall of the borough of Newcastle-upon-Tyne two days at least before the day appointed for the first and each such annual meeting :

(6.) At the first and each such annual election each registered Shipowner of Newcastle-upon-Tyne shall be entitled to one vote and no more for each of the persons then proposed to be elected as Commissioners :

(7.) The election of Commissioners at the first and each such annual meeting shall be made by the majority of registered Shipowners of Newcastle present at the meeting :

(8.) Every person elected as a Commissioner by the registered Shipowners of Newcastle-upon-Tyne shall be required to have the following qualification ; namely, to possess, in his own right, shipping registered in his own name at the Custom House of the port of Newcastle-upon-Tyne on the 31st day of December next before the day of election, such shipping being of the then market value, above all encumbrances thereon, of not less than 200 tons of shipping at the port of Newcastle-upon-Tyne :

(9.) Such one of the Commissioners elected by the registered Shipowners of Newcastle-upon-Tyne at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be re-eligible ; such one of them as is named second on the list shall go out of office at the third meeting, but shall be re-eligible ; the remaining one shall go out of office at the fourth meeting, but shall be re-eligible :

(10.) Each Commissioner elected by the registered Shipowners of Newcastle-upon-Tyne at the second meeting, and at subsequent annual meetings, shall go out of office at the third meeting after his election, but shall be re-eligible :

(11.) Section nineteen of the Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Election of Commissioners by North Shields Shipowners.

7. With respect to the election of Commissioners by the registered Shipowners of North Shields, the provisions of the last foregoing clause shall apply in that case as if those provisions were here repeated, with the substitution only of the registered Shipowners of North Shields for the registered Shipowners

owners of Newcastle-upon-Tyne, and the substitution of the Borough of Tynemouth for the Borough of Newcastle-upon-Tyne.

Election of Commissioners by South Shields Shipowners.

8. With respect to the election of Commissioners by the registered Shipowners of South Shields, the provisions of the foregoing clause 6, shall apply in that case as if those provisions were here repeated, with the substitution only of the registered Shipowners of South Shields for the registered Shipowners of Newcastle-upon-Tyne, and the substitution of the borough of South Shields for the borough of Newcastle-upon-Tyne.

Incorporation of parts of 10 & 11 Vict. c. 16.

9. The Commissioners Clauses Act, 1847, as far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order (this Order being deemed "the Special Act," and the execution of the powers of this Order being deemed "the undertaking"), and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:

(1.) No person shall be capable of acting as a Commissioner (other than a person appointed to be a Commissioner by the Board of Trade or elected by Pilots or by Shipowners) unless he is seised or possessed of property to the value or amount of 500*l.*:

(2.) Sections twenty-three to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order:

(3.) With reference to section thirty-nine of the same Act, the prescribed number (constituting a quorum) of the Commissioners shall be seven:

(4.) With reference to section forty of the same Act, the annual meeting of the Commissioners shall be held on or within one week after the 1st day of October in each year:

(5.) Section fifty-four of the same Act shall not be incorporated with this Order:

(6.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed:

(7.) With reference to section ninety-two of the same Act, the Commissioners shall from time to time appoint a permanent auditor of the accounts of the Commissioners:

(8.) With reference to the provisions of the same Act with respect to the making of byelaws, licensed pilots under this Order shall be deemed officers of the Commissioners; all byelaws shall be printed, and copies shall be always obtainable by purchase; any byelaws shall not have effect unless and until they are approved by the Board of Trade.

Limits of District.

Definition of Tyne Pilotage district.

10. The pilotage district of the Tyne shall, for the purposes of this Order, be deemed to include the whole of the river Tyne and to extend seaward over a radius of seven miles.

Pilotage.

Transfer of jurisdiction to Commissioners

11. The jurisdiction in pilotage matters within the district aforesaid now vested in the Trinity House of Newcastle-upon-Tyne shall be and is hereby transferred to and vested in the Commissioners incorporated by this Order.

Continuance of existing licences.

12. All Pilots licensed for the Tyne or its entrance by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order shall be entitled to continue to act as such Pilots under the Commissioners incorporated by this Order for one year after the passing of an Act confirming this Order, without further licence or payment in respect of that year, but in all other respects shall become and be subject to the authority of the Commissioners and the provisions of this Order, as if they had been severally licensed originally under this Order.

Examination and licensing of Pilots.

13. The Commissioners shall examine every person who applies to them for a Pilot licence, for the purpose of ascertaining his skill, knowledge, and experience in relation to the navigating, piloting, and conducting of vessels into, out of the, and within the said district, or any part or parts thereof, and may, if they think fit, license and authorize by writing any person examined and found qualified to act in the capacity of Pilot for navigating, piloting, and conducting vessels as aforesaid, provided he has served five years in the pilot service.

Licence and renewal fees.

14. Every Pilot to be licensed under this Order shall, on receiving his licence from the Commissioners, pay to them, or to their Clerk for the time being for their use, the sum of forty shillings for such his licence; and every Pilot licensed for the district aforesaid, or any part thereof, by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order, or to be licensed under this Order, shall annually pay to the Commissioners, or to their Clerk for the time being for their use, the sum of ten shillings for the renewal of his licence; provided, that the Commissioners may from time to time increase or diminish the said licence and renewal fees, or either of them, subject to the approval of the Board of Trade.

Pilotage dues.

15. The following Pilotage rates shall be paid, namely,—

From and including the 1st day of April to the 1st day of October in each year, one shilling and threepence for every foot of water which any ship or vessel shall draw, and from and including the 1st day of October to the 1st day of April in each year, one shilling and sixpence for every such foot of water;

And such pilotage dues shall be paid to the Commissioners or to the Pilot performing such Pilotage duty within five days after the performance thereof; provided, that the Commissioners may from time to time increase or diminish the said Pilotage dues, subject to the approval of the Board of Trade.

Pilotage not compulsory.

16. Nothing in this Order shall extend to oblige the Owner or Master of any vessel to employ or make use of any Pilot in piloting or conducting such vessel into or out of the said district or within any part thereof, if he is not desirous so to do, or to pay any Pilotage dues when not employing or making use of a Pilot.

Miscellaneous.

Transfer of pilotage money to Commissioners.

17. All money standing in the Books of the Trinity House of Newcastle-upon-Tyne to the credit of or properly applicable to the Tyne Pilotage District hereby transferred to the Commissioners, and also all money held by the said Trinity

Trinity House for or on behalf of the Sea Pilots or the River Pilots of the said District, at the time of the passing of an Act confirming this Order, shall be paid to the Commissioners incorporated by this Order.

Expenses of Order.

18. All the costs, charges, and expenses of and incident to the preparation and making of this Order shall be paid by the Commissioners out of the first monies coming to their hands under the provisions of the said Order.

Compensation in respect of differential dues for the District to be paid to the Commissioners.

19. All compensation money payable by the Commissioners of Her Majesty's Treasury, under the provisions of section 12 of the 24 & 25 Vict. c. 47, to the said Trinity House of Newcastle-upon-Tyne for differential dues payable in respect of the said district, shall, after the passing of an Act confirming this Order, be paid to and received by the Commissioners.

Compensation to Officers no longer employed by Commissioners.

20. If the services of any persons at the time of the passing of an Act confirming this Order permanently employed by the Trinity House of Newcastle-upon-Tyne on duties connected with the pilotage within the Tyne Pilotage district are not continued by the Commissioners, the Commissioners shall grant compensation to such persons out of the monies to come into their hands by virtue of this Order, such compensation not to be granted except under such circumstances and to such an amount as might be granted under the Act or Acts for the time being in force with respect to compensation for abolition of office in the public Civil Service.

Appointment by Board of Trade of place where meetings to be held.

21. The Board of Trade shall appoint the place at which the Commissioners shall hold their meeting for the transaction of business: Provided that the Board of Trade shall have power from time to time to change such place of meeting, if upon application to them they shall be of opinion that such change would be desirable.

Saving for effect of general Acts.

22. Nothing in this Order shall exempt the Commissioners or the Pilotage district aforesaid from the provisions of any general Act of Parliament, now in force or hereafter to be passed, relating to Pilotage or Pilotage dues, or to merchant shipping, or to ports, harbours, or docks, or to dues on shipping, or on goods carried therein, or from any future revision and alteration, under the authority of Parliament, of the Pilotage dues authorized by this Order, or of the limits of the district defined by this Order.

Short Title.

23. This Order may be cited as The Tyne Pilotage Order, 1865.

T. H. Farrer,
Secretary.

Board of Trade,
9th February 1865.

Pilotage Order Confirmation.

A

BILL

For confirming a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tyne.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed,* 17 *February* 1865.

[Bill 28.]

Under 2 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Confirming a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tyne.

WHEREAS a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, does not take effect unless and until it is confirmed by Act of Parliament: And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act, and set out in the Schedule hereto, should be confirmed by Act of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Provisional Order set out in the Schedule hereto shall be and is hereby confirmed, and all the Provisions thereof, in manner and form as they are set out in the said Schedule, shall from and after Confirmation of Order.

after the *passing of this Act* take effect and have full Validity and Force, except as herein-after mentioned.

Amendment of Order as to Appointments of Commissioners.

2. Clauses 3, 18, and 19 of this Order shall be deemed to be and the same are by this Act expunged from the said Order.

The Clauses following shall be inserted in this Order instead of Clauses 3, 18, and 19 thereof.

Appointment and Election of Commissioners.

The Appointment and Election of the several Commissioners shall be regulated as follows:

(1.) The Board of Trade shall, as soon as may be after the passing of an Act confirming this Order, appoint Two Persons to be Commissioners; and, whenever a Vacancy is caused by Death, Resignation, or otherwise in the Office of any One of those Two Commissioners, shall appoint another Person to fill the Vacancy, and so toties quoties:

(2.) The Sea Pilots of the Tyne and the Pilots licensed for any Part of the River Tyne or the Entrance thereof shall, from Time to Time, elect Two Persons to be Commissioners:

(3.) The registered Shipowners of Newcastle-upon-Tyne shall, from Time to Time, elect Two Persons to be Commissioners:

(4.) The registered Shipowners of North Shields shall, from Time to Time, elect Two Persons to be Commissioners:

(5.) The registered Shipowners of South Shields shall, from Time to Time, elect Two Persons to be Commissioners:

(6.) The Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne shall, as soon as may be after the passing of an Act confirming this Order, appoint Seven Persons to be Commissioners; and, whenever a Vacancy is caused by Death, Resignation, or otherwise in the Office of any of those Seven Commissioners, shall appoint another Person to fill the Vacancy, and so toties quoties.

Expenses of Order.

3. The Costs, Charges, and Expenses of the Promoters of this Order, and of the Master, Pilots, and Seamen of the Trinity House of Newcastle-upon-Tyne in relation to this Order, and of the Proceedings consequent thereon in Parliament, including the Costs, Charges, and Expenses incident to the Application for and obtaining the Order of the Board of Trade, and the Proceedings relating thereto in the last Session of Parliament, shall be paid by the Commissioners out of the First Monies coming to their Hands under the Provisions of this Order.

Compensation in respect of differential Dues for the

4. All Compensation Money payable by the Commissioners of Her Majesty's Treasury under the Provisions of Section 12 of the 24 & 25 Vict. Cap. 47., to the said Trinity House of Newcastle-upon-

upon-Tyne for differential Dues for Pilotage, payable in respect of the said District shall, after the passing of an Act confirming this Order, be paid to and received by the Commissioners. District to be paid to the Commissioners.

5. Wherever in this Order the Name "William Elliott Duncan" or "W. E. Duncan" occurs, the same shall be deemed to be and the same is by this Act expunged from the said Order, and the Name of "Thomas Carr Lietch" shall be inserted in lieu thereof. Amendment of Order.

6. This Act may be cited as The (Tyne) Pilotage Order Confirmation Act, 1865. Short Title.

SCHEDULE.

THE TYNE.

Provisional Order of the Board of Trade for constituting Pilotage Commissioners for the River Tyne, and for regulating their Jurisdiction.

Preamble.

WHEREAS, under The Merchant Shipping Act Amendment Act, 1862, certain persons interested in the pilotage of the Tyne, made application in writing to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying the Board of Trade to make a Provisional Order under the said Act, to transfer the jurisdiction in pilotage matters within the river Tyne, and into and out of the same, then and now exercised by the Trinity House of Newcastle-upon Tyne, and the monies belonging thereto, to a local pilotage authority to be constituted by such Order, so as to represent the interests of the various Ports concerned:

AND WHEREAS notice of the application aforesaid was published according to the requirements of the said Act:

AND WHEREAS the Board of Trade at the time in the said Act appointed in this behalf referred the said application to the pilotage authority of the district, namely, the Trinity House of Newcastle-upon-Tyne, and more than six weeks have elapsed since such reference before the making of the present Provisional Order:

AND WHEREAS the Board of Trade, after making such inquiries as they thought expedient, and after considering all objections, determined to proceed with the proposed Provisional Order, and accordingly have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not have any effect):

NOW, THEREFORE, the Board of Trade do by this their Provisional Order, in pursuance of The Merchant Shipping Act Amendment Act, 1862, and by virtue and in exercise of the powers thereby in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:

The Tyne Pilotage Commissioners.

Incorporation of Commissioners.

2. There shall be a body of Commissioners for carrying this Order into execution, the full number of whom shall be seventeen, which Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of The Tyne Pilotage Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of land and other property

property for the purposes, but subject to the restrictions, of this Order. The term "the Commissioners" herein-after used means the Tyne Pilotage Commissioners.

Appointment and election of Commissioners.

3. The appointment and election of the several Commissioners shall be regulated as follows:—

(1.) The Board of Trade shall, as soon as may be after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties:

(2.) The Tyne Improvement Commissioners shall, as soon as may be after the passing of an Act confirming this Order, appoint one person to be a Commissioner, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of this Commissioner shall appoint another person to fill the vacancy:

(3.) The Pilots licensed for any part of the River Tyne or the entrance thereof shall from time to time elect two persons to be Commissioners:

(4.) The registered Shipowners of Newcastle-upon-Tyne shall from time to time elect three persons to be Commissioners:

(5.) The registered Shipowners of North Shields shall from time to time elect three persons to be Commissioners.

(6.) The registered Shipowners of South Shields shall from time to time elect three persons to be Commissioners.

(7.) The Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne shall, as soon as may be after the passing of an Act confirming this Order, appoint three persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of those three Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

Tenure of office of appointed Commissioners.

4. Each appointment of a Commissioner (other than Commissioners elected by Pilots and by Shipowners) shall be determinable at any time by the authority which appointed that Commissioner, and (subject thereto and to the other provisions of this Order, and of any Act incorporated therewith) each such appointment shall be operative for five years and no longer, but at the end of the term of five years an outgoing Commissioner shall be capable of re-appointment.

Election of Commissioners by Tyne Pilots.

5. With respect to the election of Commissioners by the Tyne Pilots the following provisions shall take effect:—

(1.) The first meeting of Tyne Pilots for the election of a Commissioner shall be held at the Town Hall of the Borough of South Shields, within one calendar month after the passing of an Act confirming this Order, at a time to be advertised by Mr. William Elliott Duncan, solicitor, or in his default by the Board of Trade, five days at least before the day of meeting, by hand bills posted in Newcastle-upon-Tyne, and in North and South Shields.

(2.) Annual meetings of Tyne Pilots for the election of Commissioners shall be held at the Town Hall of the Borough of South Shields aforesaid, or at such other place within the said Borough as the Commissioners from time to time appoint, on such day within ten days next before the first day of October in each year as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand bills posted in Newcastle-upon-Tyne and in North and South Shields:

(3.) Such only of the said pilots as are licensed at the time of the passing of an Act confirming this Order shall be entitled to attend the said first meeting and to take part and vote in the election of Commissioners thereat:

(4.) Such only of the said pilots as are licensed on or before the 31st day of December next preceding each annual meeting shall be entitled to attend the said annual meetings and to take part and vote in the election of Commissioners thereat respectively:

(5.) At each annual meeting the Chairman of the Commissioners, or in his unavoidable absence one of the Commissioners appointed by the Board of Trade, shall attend and act as chairman of the meeting:

(6.) The election of Commissioners at the first and each annual meeting shall be made by the majority of licensed pilots present at the meeting:

(7.) Each Commissioner elected at the first or at any annual meeting shall go out of office at the next annual meeting, but shall be re-eligible:

(8.) Section nineteen of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Election of Commissioners by Newcastle-upon-Tyne Shipowners.

6. With respect to the election of Commissioners by the registered Shipowners of Newcastle-upon-Tyne, the following provisions shall take effect:

(1.) The first meeting of the registered Shipowners of Newcastle-upon Tyne for the election of Commissioners shall be held at the Town Hall of the borough of Newcastle-upon-Tyne within one calendar month after the passing of an Act confirming this Order, at a time to be advertised by the said W. E. Duncan, solicitor, or in his default by the Board of Trade, five days at least before the day of meeting, by hand bills posted in the borough of Newcastle-upon-Tyne:

(2.) Annual meetings of the registered Shipowners of Newcastle-upon-Tyne for the election of Commissioners shall be held at the Town Hall aforesaid, or at such other place within the borough of Newcastle-upon-Tyne as the Commissioners from time to time appoint, on such day within ten days next before the first day of October in each year as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand bills posted in the borough of Newcastle-upon-Tyne:

(3.) Such only of the registered Shipowners of Newcastle-upon-Tyne as are registered at the time of the passing of an Act confirming this Order shall be entitled to attend the said first meeting and to take part and vote in the election of Commissioners thereat:

(4.) Such

(4.) Such only of the registered Shipowners of Newcastle-upon-Tyne as are registered on or before the 31st day of December next preceding each annual meeting shall be entitled to attend the said annual meetings and to take part and vote in the election of Commissioners thereat respectively :

(5.) At the first and every such annual meeting a list of the names of the registered Shipowners of Newcastle-upon-Tyne, up to and inclusive of the then last 31st day of December, certified under the hand of the Collector or other principal Officer of Customs of the port, shall be sufficient evidence of the persons named therein being registered Shipowners of Newcastle-upon-Tyne, and as such entitled to attend the meeting and take part and vote in the election thereat. The said Collector or principal Officer shall supply a copy of such list to every person requiring the same on payment of the sum of 6*d.* for every 100 words of such copy, and copies of such list shall be fixed by the Clerk of the Commissioners on the outer doors of the Town Hall of the borough of Newcastle-upon-Tyne two days at least before the day appointed for the first and each such annual meeting :

(6.) At the first and each such annual election each registered Shipowner of Newcastle-upon-Tyne shall be entitled to one vote and no more for each of the persons then proposed to be elected as Commissioners :

(7.) The election of Commissioners at the first and each such annual meeting shall be made by the majority of registered Shipowners of Newcastle present at the meeting :

(8.) Every person elected as a Commissioner by the registered Shipowners of Newcastle-upon-Tyne shall be required to have the following qualification ; namely, to possess, in his own right, shipping registered in his own name at the Custom House of the port of Newcastle-upon-Tyne on the 31st day of December next before the day of election, such shipping being of the then market value, above all encumbrances thereon, of not less than 200 tons of shipping at the port of Newcastle-upon-Tyne :

(9.) Such one of the Commissioners elected by the registered Shipowners of Newcastle-upon-Tyne at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be re-eligible ; such one of them as is named second on the list shall go out of office at the third meeting, but shall be re-eligible ; the remaining one shall go out of office at the fourth meeting, but shall be re-eligible :

(10.) Each Commissioner elected by the registered Shipowners of Newcastle-upon-Tyne at the second meeting, and at subsequent annual meetings, shall go out of office at the third meeting after his election, but shall be re-eligible :

(11.) Section nineteen of the Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Election of Commissioners by North Shields Shipowners.

7. With respect to the election of Commissioners by the registered Shipowners of North Shields, the provisions of the last foregoing clause shall apply in that case as if those provisions were here repeated, with the substitution only of the registered Shipowners of North Shields for the registered Shipowners

owners of Newcastle-upon-Tyne, and the substitution of the Borough of Tynemouth for the Borough of Newcastle-upon-Tyne.

Election of Commissioners by South Shields Shipowners.

8. With respect to the election of Commissioners by the registered Shipowners of South Shields, the provisions of the foregoing clause 6, shall apply in that case as if those provisions were here repeated, with the substitution only of the registered Shipowners of South Shields for the registered Shipowners of Newcastle-upon-Tyne, and the substitution of the borough of South Shields for the borough of Newcastle-upon-Tyne.

Incorporation of parts of 10 & 11 Vict. c. 16.

9. The Commissioners Clauses Act, 1847, as far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order (this Order being deemed "the Special Act," and the execution of the powers of this Order being deemed "the undertaking"), and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:

(1.) No person shall be capable of acting as a Commissioner (other than a person appointed to be a Commissioner by the Board of Trade or elected by Pilots or by Shipowners) unless he is seised or possessed of property to the value or amount of 500*l.*:

(2.) Sections twenty-three to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order:

(3.) With reference to section thirty-nine of the same Act, the prescribed number (constituting a quorum) of the Commissioners shall be seven:

(4.) With reference to section forty of the same Act, the annual meeting of the Commissioners shall be held on or within one week after the 1st day of October in each year:

(5.) Section fifty-four of the same Act shall not be incorporated with this Order:

(6.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed:

(7.) With reference to section ninety-two of the same Act, the Commissioners shall from time to time appoint a permanent auditor of the accounts of the Commissioners:

(8.) With reference to the provisions of the same Act with respect to the making of byelaws, licensed pilots under this Order shall be deemed officers of the Commissioners; all byelaws shall be printed, and copies shall be always obtainable by purchase; any byelaws shall not have effect unless and until they are approved by the Board of Trade.

Limits of District.

Definition of Tyne Pilotage district.

10. The pilotage district of the Tyne shall, for the purposes of this Order, be deemed to include the whole of the river Tyne and to extend seaward over a radius of seven miles.

Pilotage.

Transfer of jurisdiction to Commissioners.

11. The jurisdiction in pilotage matters within the district aforesaid now vested in the Trinity House of Newcastle-upon-Tyne shall be and is hereby transferred to and vested in the Commissioners incorporated by this Order.

12. All

Continuance of existing Licences.

12. All Pilots licensed for the Tyne or its entrance by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order shall be entitled to continue to act as such Pilots under the Commissioners incorporated by this Order for one year after the passing of an Act confirming this Order, without further licence or payment in respect of that year, but in all other respects shall become and be subject to the authority of the Commissioners and the provisions of this Order, as if they had been severally licensed originally under this Order.

Examination and licensing of Pilots.

13. The Commissioners shall examine every person who applies to them for a Pilot licence, for the purpose of ascertaining his skill, knowledge, and experience in relation to the navigating, piloting, and conducting of vessels into, out of the, and within the said district, or any part or parts thereof, and may, if they think fit, license and authorize by writing any person examined and found qualified to act in the capacity of Pilot for navigating, piloting, and conducting vessels as aforesaid, provided he has served five years in the pilot service.

Licence and renewal fees.

14. Every Pilot to be licensed under this Order shall, on receiving his licence from the Commissioners, pay to them, or to their Clerk for the time being for their use, the sum of forty shillings for such his licence; and every Pilot licensed for the district aforesaid, or any part thereof, by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order, or to be licensed under this Order, shall annually pay to the Commissioners, or to their Clerk for the time being for their use, the sum of ten shillings for the renewal of his licence; provided, that the Commissioners may from time to time increase or diminish the said licence and renewal fees, or either of them, subject to the approval of the Board of Trade.

Pilotage dues.

15. The following Pilotage rates shall be paid, namely,—

From and including the 1st day of April to the 1st day of October in each year, one shilling and threepence for every foot of water which any ship or vessel shall draw, and from and including the 1st day of October to the 1st day of April in each year, one shilling and sixpence for every such foot of water;

And such pilotage dues shall be paid to the Commissioners or to the Pilot performing such Pilotage duty within five days after the performance thereof; provided, that the Commissioners may from time to time increase or diminish the said Pilotage dues, subject to the approval of the Board of Trade.

Pilotage not compulsory.

16. Nothing in this Order shall extend to oblige the Owner or Master of any vessel to employ or make use of any Pilot in piloting or conducting such vessel into or out of the said district or within any part thereof, if he is not desirous so to do, or to pay any Pilotage dues when not employing or making use of a Pilot.

Miscellaneous.

Transfer of pilotage money to Commissioners.

17. All money standing in the Books of the Trinity House of Newcastle-upon-Tyne to the credit of or properly applicable to the Tyne Pilotage District hereby transferred to the Commissioners, and also all money held by the said

Trinity House for or on behalf of the Sea Pilots or the River Pilots of the said District, at the time of the passing of an Act confirming this Order, shall be paid to the Commissioners incorporated by this Order.

Expenses of Order.

18. All the costs, charges, and expenses of and incident to the preparation and making of this Order shall be paid by the Commissioners out of the first monies coming to their hands under the provisions of the said Order.

Compensation in respect of differential dues for the District to be paid to the Commissioners.

19. All compensation money payable by the Commissioners of Her Majesty's Treasury, under the provisions of section 12 of the 24 & 25 Vict. c. 47, to the said Trinity House of Newcastle-upon-Tyne for differential dues payable in respect of the said district, shall, after the passing of an Act confirming this Order, be paid to and received by the Commissioners.

Compensation to Officers no longer employed by Commissioners.

20. If the services of any persons at the time of the passing of an Act confirming this Order permanently employed by the Trinity House of Newcastle-upon-Tyne on duties connected with the pilotage within the Tyne Pilotage district are not continued by the Commissioners, the Commissioners shall grant compensation to such persons out of the monies to come into their hands by virtue of this Order, such compensation not to be granted except under such circumstances and to such an amount as might be granted under the Act or Acts for the time being in force with respect to compensation for abolition of office in the public Civil Service.

Appointment by Board of Trade of place where meetings to be held.

21. The Board of Trade shall appoint the place at which the Commissioners shall hold their meeting for the transaction of business: Provided that the Board of Trade shall have power from time to time to change such place of meeting, if upon application to them they shall be of opinion that such change would be desirable.

Saving for effect of general Acts.

22. Nothing in this Order shall exempt the Commissioners or the Pilotage district aforesaid from the provisions of any general Act of Parliament, now in force or hereafter to be passed, relating to Pilotage or Pilotage dues, or to merchant shipping, or to ports, harbours, or docks, or to dues on shipping, or on goods carried therein, or from any future revision and alteration, under the authority of Parliament, of the Pilotage dues authorized by this Order, or of the limits of the district defined by this Order.

Short Title.

23. This Order may be cited as The Tyne Pilotage Order, 1865.

T. H. Farrer,
Secretary.

Board of Trade,
9th February 1865.

Pilotage Order Confirmation.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For confirming a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tyne.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1865.

[Bill 81.]

Under 2 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

FOR

Confirming a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tyne.

WHEREAS a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, does not take effect unless and until it is confirmed by Act of Parliament: And whereas the Board of Trade have made a Provisional Order for constituting Pilotage Commissioners for the River Tyne, and for regulating their Jurisdiction: And whereas such Order has been amended by Parliament, and is, as so amended, set out in the Schedule hereto: And whereas it is expedient that the said Order, so set out in the Schedule hereto, should be confirmed by Act of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Confirmation of Order.

1. The Provisional Order set out in the Schedule hereto shall be and is hereby confirmed, and all the Provisions thereof, in manner and form as they are set out in the said Schedule, shall from and after the passing of this Act take effect and have full Validity and Force.

Short Title.

2. This Act may be cited as The (Tyne) Pilotage Order Confirmation Act, 1865.

SCHE-

SCHEDULE.

THE TYNE.

Provisional Order of the Board of Trade for constituting Pilotage Commissioners for the River Tyne, and for regulating their Jurisdiction.

WHEREAS, under The Merchant Shipping Act Amendment Act, 1862, certain persons interested in the pilotage of the Tyne made application in writing to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying the Board of Trade to make a Provisional Order under the said Act, to transfer the jurisdiction in pilotage matters within the river Tyne, and into and out of the same, then and now exercised by the Trinity House of Newcastle-upon Tyne, and the monies belonging thereto, to a local pilotage authority to be constituted by such Order, so as to represent the interests of the various Ports concerned: Preamble.

AND WHEREAS notice of the application aforesaid was published according to the requirements of the said Act:

AND WHEREAS the Board of Trade at the time in the said Act appointed in this behalf referred the said application to the pilotage authority of the district, namely, the Trinity House of Newcastle-upon-Tyne, and more than six weeks have elapsed since such reference before the making of the present Provisional Order:

AND WHEREAS the Board of Trade, after making such inquiries as they thought expedient, and after considering all objections, determined to proceed with the proposed Provisional Order, and accordingly have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not have any effect):

NOW, THEREFORE, the Board of Trade do by this their Provisional Order, in pursuance of The Merchant Shipping Act Amendment Act, 1862, and by virtue and in exercise of the powers thereby in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:

The Tyne Pilotage Commissioners.

2. There shall be a body of Commissioners for carrying this Order into execution, the full number of whom shall be seventeen, which Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of The Tyne Pilotage Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of land and other property Incorporation of Commissioners.

property for the purposes, but subject to the restrictions, of this Order. The term "the Commissioners" herein-after used means the Tyne Pilotage Commissioners.

Appointment and election of Commissioners

3. The appointment and election of the several Commissioners shall be regulated as follows:—

(1.) The Board of Trade shall, as soon as may be after the passing of an Act confirming this Order, appoint two persons to be Commissioners; and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties:

(2.) The Sea Pilots of the Tyne and the Pilots licensed for any part of the River Tyne or the entrance thereof shall from time to time elect two persons to be Commissioners:

(3.) The registered Shipowners of Newcastle-upon-Tyne shall from time to time elect two persons to be Commissioners:

(4.) The registered Shipowners of North Shields shall from time to time elect two persons to be Commissioners:

(5.) The registered Shipowners of South Shields shall from time to time elect two persons to be Commissioners:

(6.) The Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne shall, as soon as may be after the passing of an Act confirming this Order, appoint seven persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any of those seven Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

Tenure of office of appointed Commissioners.

4. Each appointment of a Commissioner (other than Commissioners elected by Pilots and by Shipowners) shall be determinable at any time by the authority which appointed that Commissioner, and (subject thereto and to the other provisions of this Order, and of any Act incorporated therewith) each such appointment shall be operative for five years and no longer, but at the end of the term of five years an outgoing Commissioner shall be capable of re-appointment.

Election of Commissioners by Tyne Pilots.

5. With respect to the election of Commissioners by the Tyne Pilots the following provisions shall take effect:—

(1.) The first meeting of Tyne Pilots for the election of a Commissioner shall be held at the Town Hall of the Borough of South Shields, within one calendar month after the passing of an Act confirming this Order, at a time to be advertised by Mr. Thomas Carr Lietch, solicitor, or in his default by the Board of Trade, five days at least before the day of meeting, by hand bills posted in Newcastle-upon-Tyne, and in North and South Shields:

(2.) Annual meetings of Tyne Pilots for the election of Commissioners shall be held at the Town Hall of the Borough of South Shields aforesaid, or at such other place within the said Borough as the Commissioners from time to time appoint, on such day within ten days next before the first day of October in each year as the Commissioners annually appoint, the

the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand bills posted in Newcastle-upon-Tyne and in North and South Shields :

(3.) Such only of the said pilots as are licensed at the time of the passing of an Act confirming this Order shall be entitled to attend the said first meeting and to take part and vote in the election of Commissioners thereat :

(4.) Such only of the said pilots as are licensed on or before the 31st day of December next preceding each annual meeting shall be entitled to attend the said annual meetings and to take part and vote in the election of Commissioners thereat respectively :

(5.) At each annual meeting the Chairman of the Commissioners, or in his unavoidable absence one of the Commissioners appointed by the Board of Trade, shall attend and act as chairman of the meeting :

(6.) The election of Commissioners at the first and each annual meeting shall be made by the majority of licensed pilots present at the meeting :

(7.) Each Commissioner elected at the first or at any annual meeting shall go out of office at the next annual meeting, but shall be re-eligible :

(8.) Section nineteen of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Election of Commissioners by Newcastle-upon-Tyne Shipowners.

6. With respect to the election of Commissioners by the registered Shipowners of Newcastle-upon-Tyne, the following provisions shall take effect :

(1.) The first meeting of the registered Shipowners of Newcastle-upon Tyne for the election of Commissioners shall be held at the Town Hall of the borough of Newcastle-upon-Tyne within one calendar month after the passing of an Act confirming this Order, at a time to be advertised by the said Thomas Carr Lietch, solicitor, or in his default by the Board of Trade, five days at least before the day of meeting, by hand bills posted in the borough of Newcastle-upon-Tyne :

(2.) Annual meetings of the registered Shipowners of Newcastle-upon-Tyne for the election of Commissioners shall be held at the Town Hall aforesaid, or at such other place within the borough of Newcastle-upon-Tyne as the Commissioners from time to time appoint, on such day within ten days next before the first day of October in each year as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand bills posted in the borough of Newcastle-upon-Tyne :

(3.) Such only of the registered Shipowners of Newcastle-upon-Tyne as are registered at the time of the passing of an Act confirming this Order shall be entitled to attend the said first meeting and to take part and vote in the election of Commissioners thereat :

(4.) Such only of the registered Shipowners of Newcastle-upon-Tyne as are registered on or before the 31st day of December next preceding each annual meeting shall be entitled to attend the said annual meetings and to take part and vote in the election of Commissioners thereat respectively :

(5.) At the first and every such annual meeting a list of the names of the registered Shipowners of Newcastle-upon-Tyne, up to and inclusive of the then last 31st day of December, certified under the hand of the Collector or other principal Officer of Customs of the port, shall be sufficient evidence of the persons named therein being registered Shipowners of Newcastle-upon-Tyne, and as such entitled to attend the meeting and take part and vote in the election thereat. The said Collector or principal Officer shall supply a copy of such list to every person requiring the same on payment of the sum of 6*d.* for every 100 words of such copy, and copies of such list shall be fixed by the Clerk of the Commissioners on the outer doors of the Town Hall of the borough of Newcastle-upon-Tyne two days at least before the day appointed for the first and each such annual meeting:

(6.) At the first and each such annual election each registered Shipowner of Newcastle-upon-Tyne shall be entitled to one vote and no more for each of the persons then proposed to be elected as Commissioners:

(7.) The election of Commissioners at the first and each such annual meeting shall be made by the majority of registered Shipowners of Newcastle present at the meeting:

(8.) Every person elected as a Commissioner by the registered Shipowners of Newcastle-upon-Tyne shall be required to have the following qualification; namely, to possess, in his own right, shipping registered in his own name at the Custom House of the port of Newcastle-upon-Tyne on the 31st day of December next before the day of election, such shipping being of the then market value, above all encumbrances thereon, of not less than 200 tons of shipping at the port of Newcastle-upon-Tyne:

(9.) Such one of the Commissioners elected by the registered Shipowners of Newcastle-upon-Tyne at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be re-eligible; such one of them as is named second on the list shall go out of office at the third meeting, but shall be re-eligible; the remaining one shall go out of office at the fourth meeting, but shall be re-eligible:

(10.) Each Commissioner elected by the registered Shipowners of Newcastle-upon-Tyne at the second meeting, and at subsequent annual meetings, shall go out of office at the third meeting after his election, but shall be re-eligible:

(11.) Section nineteen of the Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Election of Commissioners by North Shields Shipowners.

7. With respect to the election of Commissioners by the registered Shipowners of North Shields, the provisions of the last foregoing clause shall apply in that case as if those provisions were here repeated, with the substitution only of the registered Shipowners of North Shields for the registered Shipowners of Newcastle-upon-Tyne, and the substitution of the Borough of Tynemouth for the Borough of Newcastle-upon-Tyne.

Election of Commissioners by South

8. With respect to the election of Commissioners by the registered Shipowners of South Shields, the provisions of the foregoing clause 6, shall apply in

in that case as if those provisions were here repeated, with the substitution only of the registered Shipowners of South Shields for the registered Shipowners of Newcastle-upon-Tyne, and the substitution of the borough of South Shields for the borough of Newcastle-upon-Tyne. Shields Shipowners.

9. The Commissioners Clauses Act, 1847, as far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order (this Order being deemed "the Special Act," and the execution of the powers of this Order being deemed "the undertaking"), and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions: Incorporation of parts of 10 & 11 Vict. c. 16.

(1.) No person shall be capable of acting as a Commissioner (other than a person appointed to be a Commissioner by the Board of Trade or elected by Pilots or by Shipowners) unless he is seised or possessed of property to the value or amount of 500*l.*:

(2.) Sections twenty-three to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order:

(3.) With reference to section thirty-nine of the same Act, the prescribed number (constituting a quorum) of the Commissioners shall be seven:

(4.) With reference to section forty of the same Act, the annual meeting of the Commissioners shall be held on or within one week after the 1st day of October in each year:

(5.) Section fifty-four of the same Act shall not be incorporated with this Order:

(6.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed:

(7.) With reference to section ninety-two of the same Act, the Commissioners shall from time to time appoint a permanent auditor of the accounts of the Commissioners:

(8.) With reference to the provisions of the same Act with respect to the making of byelaws, licensed pilots under this Order shall be deemed officers of the Commissioners; all byelaws shall be printed, and copies shall be always obtainable by purchase; any byelaws shall not have effect unless and until they are approved by the Board of Trade.

Limits of District.

10. The pilotage district of the Tyne shall, for the purposes of this Order, be deemed to include the whole of the river Tyne and to extend seaward over a radius of seven miles. Definition of Tyne Pilotage district.

Pilotage.

11. The jurisdiction in pilotage matters within the district aforesaid now vested in the Trinity House of Newcastle-upon-Tyne shall be and is hereby transferred to and vested in the Commissioners incorporated by this Order. Transfer of jurisdiction to Commissioners.

12. All Pilots licensed for the Tyne or its entrance by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order shall be entitled to continue to act as such Pilots under the Commissioners incorporated by this Order for one year after the passing of an Act confirming Continuance of existing Licences.

confirming this Order, without further licence or payment in respect of that year, but in all other respects shall become and be subject to the authority of the Commissioners and the provisions of this Order, as if they had been severally licensed originally under this Order.

Examination and licensing of Pilots.

13. The Commissioners shall examine every person who applies to them for a Pilot licence, for the purpose of ascertaining his skill, knowledge, and experience in relation to the navigating, piloting, and conducting of vessels into, out of the, and within the said district, or any part or parts thereof, and may, if they think fit, license and authorize by writing any person examined and found qualified to act in the capacity of Pilot for navigating, piloting, and conducting vessels as aforesaid, provided he has served five years in the pilot service.

Licence and renewal fees.

14. Every Pilot to be licensed under this Order shall, on receiving his licence from the Commissioners, pay to them, or to their Clerk for the time being for their use, the sum of forty shillings for such his licence; and every Pilot licensed for the district aforesaid, or any part thereof, by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order, or to be licensed under this Order, shall annually pay to the Commissioners, or to their Clerk for the time being for their use, the sum of ten shillings for the renewal of his licence; provided, that the Commissioners may from time to time increase or diminish the said licence and renewal fees, or either of them, subject to the approval of the Board of Trade.

Pilotage dues.

15. The following Pilotage rates shall be paid, namely,—

From and including the 1st day of April to the 1st day of October in each year, one shilling and threepence for every foot of water which any ship or vessel shall draw, and from and including the 1st day of October to the 1st day of April in each year, one shilling and sixpence for every such foot of water;

And such pilotage dues shall be paid to the Commissioners or to the Pilot performing such Pilotage duty within five days after the performance thereof; provided, that the Commissioners may from time to time increase or diminish the said Pilotage dues, subject to the approval of the Board of Trade.

Pilotage not compulsory.

16. Nothing in this Order shall extend to oblige the Owner or Master of any vessel to employ or make use of any Pilot in piloting or conducting such vessel into or out of the said district or within any part thereof, if he is not desirous so to do, or to pay any Pilotage dues when not employing or making use of a Pilot.

Miscellaneous.

Transfer of pilotage money to Commissioners.

17. All money standing in the Books of the Trinity House of Newcastle-upon-Tyne to the credit of or properly applicable to the Tyne Pilotage District hereby transferred to the Commissioners, and also all money held by the said Trinity House for or on behalf of the Sea Pilots or the River Pilots of the said District, at the time of the passing of an Act confirming this Order, shall be paid to the Commissioners incorporated by this Order.

18. The

Expenses of Order.

18. The costs, charges, and expenses of the promoters of this Order, and of the Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne in relation to this Order, and of the proceedings consequent thereon in Parliament, including the costs, charges, and expenses incident to the application for and obtaining the Order of the Board of Trade, and the proceedings relating thereto in the last Session of Parliament, shall be paid by the Commissioners out of the first monies coming to their hands under the provisions of this Order.

Compensation in respect of differential dues for the District to be paid to the Commissioners

19. All compensation money payable by the Commissioners of Her Majesty's Treasury, under the provisions of section 12 of the 24 & 25 Vict. c. 47, to the said Trinity House of Newcastle-upon-Tyne for differential dues for pilotage payable in respect of the said district, shall, after the passing of an Act confirming this Order, be paid to and received by the Commissioners.

Compensation to Officers no longer employed by Commissioners.

20. If the services of any persons at the time of the passing of an Act confirming this Order permanently employed by the Trinity House of Newcastle-upon-Tyne on duties connected with the pilotage within the Tyne Pilotage district are not continued by the Commissioners, the Commissioners shall grant compensation to such persons out of the monies to come into their hands by virtue of this Order, such compensation not to be granted except under such circumstances and to such an amount as might be granted under the Act or Acts for the time being in force with respect to compensation for abolition of office in the public Civil Service.

Appointment by Board of Trade of place where meetings to be held.

21. The Board of Trade shall appoint the place at which the Commissioners shall hold their meeting for the transaction of business: Provided that the Board of Trade shall have power from time to time to change such place of meeting, if upon application to them they shall be of opinion that such change would be desirable.

Saving for effect of general Acts.

22. Nothing in this Order shall exempt the Commissioners or the Pilotage district aforesaid from the provisions of any general Act of Parliament, now in force or hereafter to be passed, relating to Pilotage or Pilotage dues, or to merchant shipping, or to ports, harbours, or docks, or to dues on shipping, or on goods carried therein, or from any future revision and alteration, under the authority of Parliament, of the Pilotage dues authorized by this Order, or of the limits of the district defined by this Order.

Short Title.

23. This Order may be cited as The Tyne Pilotage Order, 1865.

Pilotage Order Confirmation.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

For confirming a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tyne.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 30 *March* 1865.

[Bill 96.]

Under 2 oz.

A

B I L L

FOR

Confirming a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," relating to the Pilotage of the Port of Sunderland.

WHEREAS a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, does not take effect unless and until it is confirmed by Act of Parliament: Preamble. 25 & 26 Vict. c. 63.

And whereas it is expedient that the Provisional Order, with regard to the Port of Sunderland, made by the Board of Trade under the said Act, and set out in the Schedule hereto, should be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Provisional Order set out in the Schedule hereto shall be and is hereby confirmed, and all the Provisions thereof, in manner Confirmation of Order.

and form as they are set out in the said Schedule, shall from and after the *passing of this Act* take effect and have full Validity and Force.

Short Title.

2. This Act may be cited as The (Sunderland) Pilotage Order Confirmation Act, 1865.

SCHE-

SCHEDULE.

SUNDERLAND.

Provisional Order of the Board of Trade for constituting Pilotage Commissioners for the Port of Sunderland, and for regulating their Jurisdiction.

WHEREAS, under The Merchant Shipping Act Amendment Act, 1862, the River Wear Commissioners being interested in the pilotage of the Port of Sunderland, made application in writing to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying the Board of Trade to make a Provisional Order under the said Act to transfer the jurisdiction in pilotage matters within the port of Sunderland, and into and out of the same, then and now exercised by the Trinity House of Newcastle-upon-Tyne, and the monies belonging thereto, to a local pilotage authority to be constituted by such Order, so as to represent the interests of the various ports concerned:

And whereas notice of the application aforesaid was published according to the requirements of the said Act:

And whereas the Board of Trade at the time in the said Act appointed in this behalf referred the said application to the pilotage authority of the district, namely, the Trinity House of Newcastle-upon-Tyne, and more than six weeks have elapsed since such reference before the making of the present Provisional Order:

And whereas the Board of Trade, after making such inquiries as they thought expedient, and after considering all objections, determined to proceed with the proposed Provisional Order, and accordingly have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not have any effect):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The Merchant Shipping Act Amendment Act, 1862, and by virtue and in exercise of the powers thereby in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following Provisions shall take effect and be in force:

1. There shall be a body of Commissioners for carrying this Order into execution, the full number of whom shall be fifteen, and such Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of The Sunderland Pilotage Commissioners, and by

that name shall be one body corporate, with perpetual succession and a Common Seal, and with power to purchase, take, hold, and dispose of land and other property for the purposes but subject to the restrictions of this Order. The term "the Commissioners" herein-after used means the Sunderland Pilotage Commissioners.

2. The appointment, constitution, and election of the several Commissioners shall be regulated as follows:

(1.) The Board of Trade shall, as soon as may be after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those Commissioners shall appoint another person to fill the office, and so toties quoties:

Provided always, that such appointments shall be determinable at such time or times as the Board of Trade may see fit:

(2.) The River Wear Commissioners, as incorporated by the Wear Navigation and Sunderland Dock Act, 1859, shall at their first monthly meeting after the passing of an Act confirming this Order appoint five members of their Board to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of those Commissioners shall appoint another member of their Board to fill the vacancy, and so toties quoties:

(3.) The Commissioner of the River Wear appointed for the time being by the Lord High Admiral or Lords of the Admiralty, or by the Board of Trade, shall be one of the Commissioners:

(4.) The registered Shipowners of Sunderland shall from time to time elect five persons to be Commissioners:

(5.) The Pilots duly licensed for the Port of Sunderland shall from time to time elect two persons to be Commissioners.

3. On the day of the first monthly meeting of the River Wear Commissioners held after the third Wednesday in September 1868, and on the like day in every subsequent third year, the Commissioners appointed by that Board shall retire from office but shall be eligible for re-appointment; and at the same meetings the River Wear Commissioners shall appoint five members of their Board to be Commissioners for the ensuing three years.

4. With respect to the election of Commissioners by the registered Shipowners the following provisions shall take effect:

(1.) For the purpose of this election the registered Shipowners, and the number of votes to be given by them, and the mode of election, except where this Order otherwise provides, shall be regulated by the 25th and other Sections relating thereto of the Wear Navigation and Sunderland Dock Act, 1859, which shall be considered as incorporated in this Order; but so long as a list of Shipowners shall be published by the River Wear Commissioners under the before-mentioned provisions, no further list need be made for the election of Pilotage Commissioners:

(2.) Within one month after the passing of an Act confirming this Order the Clerk to the River Wear Commissioners shall convene a meeting of such Shipowners by bills posted in the borough of Sunderland five days at

at least before such meeting, for the purpose of electing five Commissioners to represent the Shipowners :

(3.) On the third Wednesday in September 1868, and on the like day in every subsequent third year, the registered Shipowners shall elect five persons to be Commissioners for the ensuing three years, on which respective days the Commissioners previously elected shall retire from office, but shall be eligible for re-election:

(4.) Every person elected as a Commissioner by the registered Shipowners shall be required to have the following qualifications, namely :—to be entered in the list of registered Shipowners published for the time being under the provisions of the Wear Navigation and Sunderland Dock Act, 1859, as the owner of not less than 250 tons of shipping :

(5.) Section Nineteen of the Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

5. With respect to the election of Commissioners by the Pilots, the following provisions shall take effect:

(1.) Within one month after the passing of an Act confirming this Order the Clerk to the River Wear Commissioners shall convene a meeting of duly licensed Pilots, by bills posted in the borough of Sunderland five days at least before such meeting, for the purpose of electing two Commissioners to represent the Pilots :

(2.) On the third Wednesday in September 1868, and on the like day in every subsequent third year, the duly licensed Pilots shall elect two persons to be Commissioners for the ensuing three years, on which respective days the Commissioners previously elected shall retire from office, but shall be eligible for re-election :

(3.) The election of Commissioners by the Pilots at the first and every subsequent meeting shall be made by the majority of duly licensed Pilots present at such meeting ; and at every such meeting the Chairman of the Commissioners, or if there is no Chairman, or in the absence of the Chairman of the Commissioners, one of the Commissioners appointed by the Board of Trade, shall attend and act as Chairman of such meeting, and shall be entitled to a casting vote:

(4.) Section 19. of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

6. The Commissioners Clauses Act, 1847, as far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, (this Act being deemed "the Special Act," and the execution of the powers of this Order being deemed "the undertaking,") and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions :

(1.) Sections twenty-three to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order :

(2.) With reference to section thirty-nine of the same Act, the prescribed number constituting a quorum of the Commissioners shall be five :

(3.) With reference to section forty of the same Act, the annual meeting of the Commissioners shall be held within one week of the thirty-first of July :

(4.) Section fifty-four of the same Act shall not be incorporated with this Order:

(5.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed:

(6.) With reference to section ninety-two of the same Act, the Commissioners shall from time to time appoint a permanent auditor of the accounts of the Commissioners:

(7.) With reference to the provisions of the same Act with respect to making of byelaws, duly licensed Pilots under this Order shall be deemed officers of the Commissioners; all byelaws shall be printed, and copies shall be always obtainable by purchase; no byelaws shall have effect unless and until they are approved by the Board of Trade.

7. The Commissioners shall be deemed fully constituted and incorporated, and shall commence to act under this Order, as soon as any five persons have been appointed Commissioners under this Order; and any proceeding of the Commissioners at any time shall not be invalidated by reason only of failure on the part of any authority or body to appoint or elect a Commissioner or Commissioners.

Limits of District.

8. The Pilotage District of the port, for the purposes of this Order, shall be deemed to extend from the promontory or point called Souter Point about two miles on the north side to Ryhope Dene about two miles on the south side of the Harbour of Sunderland.

9. The jurisdiction in pilotage matters within the District aforesaid now vested in the Trinity House of Newcastle-upon-Tyne shall be and is hereby transferred to and vested in the Commissioners incorporated by this Order.

10. All Pilots licensed for the Port of Sunderland by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order shall be entitled to continue to act as such Pilots under the Commissioners incorporated by this Order for one year after the passing of such Act, without further licence, but in all other respects shall become and be subject to the authority of the Commissioners and the provisions of this Order, as if they had originally been severally licensed under this Order.

11. The Commissioners shall examine every person who applies to them for a Pilot licence, for the purpose of ascertaining his skill, knowledge, and experience in relation to the navigating, piloting, and conducting of Vessels into and out of the Port of Sunderland, and may, if they think fit, license and authorize by writing any person examined and found qualified to act in the capacity of Pilot for navigating, piloting, and conducting Vessels into and out of the Port of Sunderland, as aforesaid.

Pilotage Funds, &c.

12.—

(1.) Every Pilot to be licensed under this Order shall, on receiving his licence from the Commissioners, pay to them or their Clerk for the time being the sum of two pounds for such licence; and every Pilot already licensed for the port aforesaid shall within one month after the passing of an Act confirming this Order pay to the said Commissioners, or their Clerk for the time being, the sum of one pound ten shillings; and every Pilot already licensed or to be licensed shall, in addition to such before-named payment, on or before the thirtieth day of June in the year one thousand eight hundred and sixty-six, and on or before the like day in every succeeding year, pay to the Commissioners or their Clerk for the time being a renewal fee of two pounds; provided always, that the Commissioners may from time to time increase or diminish the said licence and renewal fees, or either of them, subject to the approval of the Board of Trade:

(2.) The licence of every Pilot neglecting or refusing to make either of such payments on or before the days herein-before-named shall be suspended until such payment is made; and the licence of every Pilot who neglects or refuses to make payment of the renewal fee on or before the thirty-first day of July in each year shall, in the discretion of the Commissioners, be revoked and cancelled:

(3.) The monies thus to be received shall, subject to the due payment of the current charges of the Commissioners in carrying out the Pilotage service in accordance with this Order, form a fund for superannuated and decayed Pilots, and temporary relief to their widows and orphans:

(4.) For the purpose of lessening the charges on the Pilotage fund, the River Wear Commissioners are hereby empowered to appropriate for the use of the Commissioners and their officers necessary board room and offices for transacting the business of the Commission, and also to otherwise act in reduction of the expenditure.

13. The following Pilotage dues shall be paid, namely:—

(1.) For every Vessel piloted and conducted into or out of the Port of Sunderland between the thirty-first day of March and the first day of October in each year, at the rate of one shilling and threepence for every foot of water which such Vessel draws:

(2.) For every Vessel so piloted and conducted between the thirtieth of September in any year and the first of April in the following year, at the rate of one shilling and sixpence for each such foot:

(3.) Subject to the approval of the Board of Trade, the Commissioners may raise the Pilotage dues payable inwards for Vessels above five hundred tons register, in addition to the dues aforesaid, by any sum not exceeding one halfpenny per ton on the excess of register tonnage over and above that number of tons, and may subject the payment of such additional dues to such regulations as in their judgment will more effectually secure the boarding of such Vessels before they arrive within six miles of the port:

(4.) The Pilotage dues shall be paid to the Commissioners or to the Pilot performing such pilotage duty within five days after the performance thereof:

(5.) Subject to the foregoing provisions, the Commissioners may from time to time increase or diminish the said pilotage dues, subject to the approval of the Board of Trade.

14. Nothing in this Order shall extend to oblige the Owner or Master of any Vessel to employ or make use of any Pilot in piloting or conducting such Vessel into or out of the said port, if he is not desirous so to do, or to pay any Pilotage dues when not employing or making use of a Pilot.

Miscellaneous.

15. All money standing in the books of the Trinity House of Newcastle-upon-Tyne to the credit of the Sunderland Pilotage District, or properly applicable thereto, at the time of the passing of an Act confirming this Order, shall be paid to the Commissioners incorporated by this Order.

16. All compensation money payable by the Commissioners of Her Majesty's Treasury under the provisions of section 12. of 24 & 25 Vict. c. 47. to the Trinity House of Newcastle-upon-Tyne for differential dues payable in respect of the said district shall, after the passing of an Act confirming this Order, be paid to and received by the Commissioners.

17. If the services of any persons at the time of the passing of an Act confirming this Order permanently employed by the Trinity House of Newcastle-upon-Tyne on duties connected with the Pilotage within the Sunderland District are not continued by the Commissioners, the Commissioners shall grant compensation to such persons out of the monies to come into their hands by virtue of this Order, such compensation not to be granted except under circumstances and to an amount under and to which compensation might be granted under the Act or Acts for the time being in force with respect to compensation for abolition of office in the public Civil Service.

18. Nothing in this Order shall exempt the Commissioners or the Pilotage district aforesaid from the provisions of any general Act of Parliament, now in force or hereafter to be passed, relating to Pilotage or Pilotage dues, or to merchant shipping, or to ports, harbours, or docks, or to dues on shipping, or on goods carried therein, or from any future revision and alteration, under the authority of Parliament, of the Pilotage dues authorized by this Order, or of the limits of the district defined by this Order.

19. This Order may be cited as The Sunderland Pilotage Order, 1865.

Board of Trade, Whitehall.
Dated this 2d Day of May 1865.

T. H. Farrer.

Pilotage Order Confirmation (No. 2.)

A

BILL

For confirming a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," relating to the Pilotage of the Port of Sunderland.

(*Prepared and brought in by Mr. Dodson, Mr. Milner Gibson, and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 9 *May* 1865.

[Bill 131.]

Under 2 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Confirming a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," relating to the Pilotage of the Port of Sunderland.

Preamble. 25 & 26 Vict. c. 63.

WHEREAS a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, does not take effect unless and until it is confirmed by Act of Parliament:

And whereas the Board of Trade have made a Provisional Order with regard to the Port of Sunderland:

And whereas such Order has been amended by Parliament, and is as so amended set out in the Schedule hereto:

And whereas it is expedient that the said Order so set out in the Schedule hereto should be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Order.

1. The Order set out in the Schedule hereto shall be and is hereby confirmed, and all the Provisions thereof, in manner

and form as they are set out in the said Schedule, shall from and after the passing of this Act take effect and have full Validity and Force.

Short Title.

2. This Act may be cited as The (Sunderland) Pilotage Order Confirmation Act, 1865.

SCHE-

SCHEDULE.

SUNDERLAND.

Amended Order referred to and confirmed by the foregoing Act.

1. There shall be a body of Commissioners for carrying this Order into execution, the full number of whom shall be fifteen, and such Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of The Sunderland Pilotage Commissioners, and by that name shall be one body corporate, with perpetual succession and a Common Seal, and with power to purchase, take, hold, and dispose of land and other property for the purposes but subject to the restrictions of this Order. The term "the Commissioners" herein-after used means the Sunderland Pilotage Commissioners.

2. The appointment, constitution, and election of the several Commissioners shall be regulated as follows:

(1.) The Board of Trade shall, as soon as may be after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those Commissioners shall appoint another person to fill the office, and so toties quoties:

Provided always, that such appointments shall be determinable at such time or times as the Board of Trade may see fit:

(2.) The River Wear Commissioners, as incorporated by the Wear Navigation and Sunderland Dock Act, 1859, shall at their first monthly meeting after the passing of an Act confirming this Order appoint five members of their Board to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of those Commissioners shall appoint another member of their Board to fill the vacancy, and so toties quoties:

(3.) The Commissioner of the River Wear appointed for the time being by the Lord High Admiral or Lords of the Admiralty, or by the Board of Trade, shall be one of the Commissioners:

(4.) The registered Shipowners of Sunderland shall from time to time elect five persons to be Commissioners:

(5.) The Pilots duly licensed for the Port of Sunderland shall from time to time elect two persons to be Commissioners.

3. On the day of the first monthly meeting of the River Wear Commissioners held after the third Wednesday in September 1868, and on the like day in every subsequent third year, the Commissioners appointed by that Board shall retire from office but shall be eligible for re-appointment; and at the same meetings the River Wear Commissioners shall appoint five members of their Board to be Commissioners for the ensuing three years.

4. With respect to the election of Commissioners by the registered Shipowners the following provisions shall take effect:

(1.) For the purpose of this election the registered Shipowners, and the number of votes to be given by them, and the mode of election, except where this Order otherwise provides, shall be regulated by the 25th and other Sections relating thereto of the Wear Navigation and Sunderland Dock Act, 1859, which shall be considered as incorporated in this Order; but so long as a list of Shipowners shall be published by the River Wear Commissioners under the before-mentioned provisions, no further list need be made for the election of Pilotage Commissioners:

(2.) Within one month after the passing of an Act confirming this Order the Clerk to the River Wear Commissioners shall convene a meeting of such Shipowners by bills posted in the borough of Sunderland five days at least before such meeting, for the purpose of electing five Commissioners to represent the Shipowners:

(3.) On the third Wednesday in September 1868, and on the like day in every subsequent third year, the registered Shipowners shall elect five persons to be Commissioners for the ensuing three years, on which respective days the Commissioners previously elected shall retire from office, but shall be eligible for re-election:

(4.) Every person elected as a Commissioner by the registered Shipowners shall be required to have the following qualifications, namely:—to be entered in the list of registered Shipowners published for the time being under the provisions of the Wear Navigation and Sunderland Dock Act, 1859, as the owner of not less than 250 tons of shipping:

(5.) Section Nineteen of the Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

5. With respect to the election of Commissioners by the Pilots, the following provisions shall take effect:

(1.) Within one month after the passing of an Act confirming this Order the Clerk to the River Wear Commissioners shall convene a meeting of duly licensed Pilots, by bills posted in the borough of Sunderland five days at least before such meeting, for the purpose of electing two Commissioners to represent the Pilots:

(2.) On the third Wednesday in September 1868, and on the like day in every subsequent third year, the duly licensed Pilots shall elect two persons to be Commissioners for the ensuing three years, on which respective days the Commissioners previously elected shall retire from office, but shall be eligible for re-election:

(3.) The election of Commissioners by the Pilots at the first and every subsequent meeting shall be made by the majority of duly licensed Pilots present at such meeting; and at every such meeting the Chairman of the Commissioners, or if there is no Chairman, or in the absence of the Chairman of the Commissioners, one of the Commissioners appointed by the Board of Trade, shall attend and act as Chairman of such meeting, and shall be entitled to a casting vote:

(4.) Section 19. of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

6. The

6. The Commissioners Clauses Act, 1847, as far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, (this Act being deemed "the Special Act," and the execution of the powers of this Order being deemed "the undertaking,") and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:

(1.) Sections twenty-three to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order:

(2.) With reference to section thirty-nine of the same Act, the prescribed number constituting a quorum of the Commissioners shall be five:

(3.) With reference to section forty of the same Act, the annual meeting of the Commissioners shall be held within one week of the thirty-first of July:

(4.) Section fifty-four of the same Act shall not be incorporated with this Order:

(5.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed:

(6.) With reference to section ninety-two of the same Act, the Commissioners shall from time to time appoint a permanent auditor of the accounts of the Commissioners:

(7.) With reference to the provisions of the same Act with respect to making of byelaws, duly licensed Pilots under this Order shall be deemed officers of the Commissioners; all byelaws shall be printed, and copies shall be always obtainable by purchase; no byelaws shall have effect unless and until they are approved by the Board of Trade.

7. The Commissioners shall be deemed fully constituted and incorporated, and shall commence to act under this Order, as soon as any five persons have been appointed Commissioners under this Order; and any proceeding of the Commissioners at any time shall not be invalidated by reason only of failure on the part of any authority or body to appoint or elect a Commissioner or Commissioners.

Limits of District.

8. The Pilotage District of the port, for the purposes of this Order, shall be deemed to extend from the promontory or point called Souter Point about two miles on the north side to Ryhope Dene about two miles on the south side of the Harbour of Sunderland.

9. The jurisdiction in pilotage matters within the District aforesaid now vested in the Trinity House of Newcastle-upon-Tyne shall be and is hereby transferred to and vested in the Commissioners incorporated by this Order.

10. All Pilots licensed for the Port of Sunderland by the Trinity House of Newcastle-upon-Tyne at the time of the passing of an Act confirming this Order shall be entitled to continue to act as such Pilots under the Commis-

sioners incorporated by this Order for one year after the passing of such Act, without further licence, but in all other respects shall become and be subject to the authority of the Commissioners and the provisions of this Order, as if they had originally been severally licensed under this Order.

11. The Commissioners shall examine every person who applies to them for a Pilot licence, for the purpose of ascertaining his skill, knowledge, and experience in relation to the navigating, piloting, and conducting of Vessels into and out of the Port of Sunderland, and may, if they think fit, license and authorize by writing any person examined and found qualified to act in the capacity of Pilot for navigating, piloting, and conducting Vessels into and out of the Port of Sunderland, as aforesaid.

Pilotage Funds, &c.

12.—

(1.) Every Pilot to be licensed under this Order shall, on receiving his licence from the Commissioners, pay to them or their Clerk for the time being the sum of two pounds for such licence; and every Pilot already licensed for the port aforesaid shall within one month after the passing of an Act confirming this Order pay to the said Commissioners, or their Clerk for the time being, the sum of one pound ten shillings; and every Pilot already licensed or to be licensed shall, in addition to such before-named payment, on or before the thirtieth day of June in the year one thousand eight hundred and sixty-six, and on or before the like day in every succeeding year, pay to the Commissioners or their Clerk for the time being a renewal fee of two pounds; provided always, that the Commissioners may from time to time increase or diminish the said licence and renewal fees, or either of them, subject to the approval of the Board of Trade:

(2.) The licence of every Pilot neglecting or refusing to make either of such payments on or before the days herein-before-named shall be suspended until such payment is made; and the licence of every Pilot who neglects or refuses to make payment of the renewal fee on or before the thirty-first day of July in each year shall, in the discretion of the Commissioners, be revoked and cancelled:

(3.) The monies thus to be received shall, subject to the due payment of the current charges of the Commissioners in carrying out the Pilotage service in accordance with this Order, form a fund for superannuated and decayed Pilots, and temporary relief to their widows and orphans:

(4.) For the purpose of lessening the charges on the Pilotage fund, the River Wear Commissioners are hereby empowered to appropriate for the use of the Commissioners and their officers necessary board room and offices for transacting the business of the Commission, and also to otherwise act in reduction of the expenditure.

13. The following Pilotage dues shall be paid, namely:—

(1.) For every Vessel piloted and conducted into or out of the Port of Sunderland between the thirty-first day of March and the first day of

of October in each year, at the rate of one shilling and threepence for every foot of water which such Vessel draws:

(2.) For every Vessel so piloted and conducted between the thirtieth of September in any year and the first of April in the following year, at the rate of one shilling and sixpence for each such foot:

(3.) Subject to the approval of the Board of Trade, the Commissioners may raise the Pilotage dues payable inwards for Vessels above five hundred tons register, in addition to the dues aforesaid, by any sum not exceeding one halfpenny per ton on the excess of register tonnage over and above that number of tons, and may subject the payment of such additional dues to such regulations as in their judgment will more effectually secure the boarding of such Vessels before they arrive within six miles of the port:

(4.) The Pilotage dues shall be paid to the Commissioners or to the Pilot performing such pilotage duty within five days after the performance thereof:

(5.) Subject to the foregoing provisions, the Commissioners may from time to time increase or diminish the said pilotage dues, subject to the approval of the Board of Trade.

14. Nothing in this Order shall extend to oblige the Owner or Master of any Vessel to employ or make use of any Pilot in piloting or conducting such Vessel into or out of the said port, if he is not desirous so to do, or to pay any Pilotage dues when not employing or making use of a Pilot.

Miscellaneous.

15. All money (if any) standing in the books of the Trinity House of Newcastle-upon-Tyne to the credit of the Sunderland Pilotage District, or lawfully applicable thereto, at the time of the passing of an Act confirming this Order, shall be paid to the Commissioners incorporated by this Order.

16. All compensation money payable by the Commissioners of Her Majesty's Treasury under the provisions of section 12. of 24 & 25 Vict. c. 47. to the Trinity House of Newcastle-upon-Tyne for differential dues payable in respect of the said district shall, after the passing of an Act confirming this Order, be paid to and received by the Commissioners.

17. If the services of any persons at the time of the passing of an Act confirming this Order permanently employed by the Trinity House of Newcastle-upon-Tyne on duties connected with the Pilotage within the Sunderland District are not continued by the Commissioners, the Commissioners shall grant compensation to such persons out of the monies to come into their hands by virtue of this Order, such compensation not to be granted except under circumstances and to an amount under and to which compensation might be granted under the Act or Acts for the time being in force with respect to compensation for abolition of office in the public Civil Service.

18. The present Pilot Master of the Port of Sunderland shall, if he so desires, be continued in his office at his present salary during good conduct, and so long as he shall efficiently perform the duties of such office.

19. Nothing in this Order shall exempt the Commissioners or the Pilotage district aforesaid from the provisions of any general Act of Parliament, now in force or hereafter to be passed, relating to Pilotage or Pilotage dues, or to merchant shipping, or to ports, harbours, or docks, or to dues on shipping, or on goods carried therein, or from any future revision and alteration, under the authority of Parliament, of the Pilotage dues authorized by this Order, or of the limits of the district defined by this Order.

Pilotage Order Confirmation (No. 2.)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For confirming a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," relating to the Pilotage of the Port of Sunderland.

(Prepared and brought in by Mr. Dodson, Mr. Milner Gibson, and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed, 2 June* 1865.

[Bill 194.] *Under 2 oz.*

A

B I L L

TO

Amend the Law relating to the Police Superannuation Funds in Counties and Boroughs.

WHEREAS it is expedient to amend the Law relating to Police Superannuation Funds in Counties and Boroughs: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Police Superannuation Act, 1865." Short Title of Act.

2. Throughout this Act the Acts herein-after mentioned shall be distinguished by the following Short Titles; that is to say, Short Titles of certain Police Acts.

The Act of the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter Eighty-eight, intituled "An Act to amend the Act for the Establishment of County "and District Constables," by the Short Title of "The Police "Act, 1840:" 3 & 4 Vict. c. 88.

19 & 20 Vict. c. 69. The Act of the Session of the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Sixty-nine, intituled "An Act to render more effectual the Police in Counties and "Boroughs in England and Wales," by the Short Title of "The Police Act, 1856:"

22 & 23 Vict. c. 32. The Act of the Session of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, Chapter Thirty-two, intituled "An Act to amend the Law concerning the Police in "Counties and Boroughs in England and Wales," by the Short Title of "The Police Act, 1859."

Amendment of 3 & 4 Vict. c. 88. s. 11., 19 & 20 Vict. c. 69. s. 10., and 22 & 23 Vict. c. 32. ss. 9 and 10.

3. Whereas by "The Police Act, 1840," and "The Police Act, 1856," the Justices of the County in General or Quarter Sessions assembled, and by "The Police Act, 1859," the Watch Committee of a Borough, with the Approbation of the Council, are authorized, subject to the Conditions and in the Events in the said Acts respectively mentioned, to grant out of the Police Superannuation Funds to Constables of the Police Forces of Counties and Boroughs who have served Fifteen Years Superannuation or Retiring Allowances, and to Constables who may not have served Fifteen Years Sums in gross as Gratuities: And whereas it is expedient that in some Cases annual Allowances for a limited Time should be granted in lieu of Allowances for Life or Gratuities: Be it enacted, That where the said Acts authorize a Grant to be made to a Constable of a Superannuation or Retiring Allowance or a Gratuity, the Authority having Power to grant such Allowance or Gratuity may, in lieu thereof, grant an annual Allowance for a limited Time, to be fixed by such Authority, and to be determined on the Death of the Annuitant before the Expiration of the Time fixed: Provided that where an Allowance for a limited Time is granted to a Constable who has served for Fifteen Years or more, it shall be granted on the same Scale as if it were a permanent Superannuation or Retiring Allowance, and if at the Expiration of the limited Time the Annuitant is incapable from Infirmity of Mind or Body of discharging the Duties of a Constable, or has attained the Age of Sixty Years, the Allowance granted to him for a limited Time only shall be continued during the Remainder of his Life: Provided also, that where a Person to whom an annual Allowance for a limited Time has been granted under this Section is reappointed to the Office of Constable, the Time during which he was in receipt of such Allowance shall, for the Purpose of any subsequent Superannuation Allowance, be reckoned as Service in the Force.

4. Whereas

Head Constable included in Provisions of "Police Act, 1859."

4. Whereas Doubts are entertained whether the Provisions of "The Police Act, 1859," relating to a Superannuation Fund for Constables belonging to a Police Force in Boroughs, apply to a Chief or Head Constable of the Police Force in such Boroughs, by reason, amongst other things, that the said Act requires in certain Cases the Certificate or Recommendation of the Chief or Head Constable before an Allowance can be made or a Gratuity given out of the said Fund to a Constable or his Widow: And whereas it is expedient to remove the said Doubts: Be it enacted, That the Chief or Head Constable of the Police Force established in any Borough in which the Superannuation Fund is subject to the Regulations of the Police Act, 1859, shall, from and after the Date of the passing of this Act, be deemed to be a Constable of the said Police Force for all Purposes relating to and within the Meaning of this Act and all other Acts regulating such Superannuation Fund; provided, first, that in the Case of the said Chief or Head Constable, or his Widow, a Resolution of the Watch Committee to the Effect of the Certificate or Recommendation required to be given by the Chief or Head Constable under "The Police Act, 1859," shall be deemed to be equivalent to such Certificate or Recommendation; secondly, that the Period of Service during which any Chief or Head Constable, either as such or as an inferior Member of the Force, may have been subjected to Deductions from his Pay towards such Borough Police Superannuation Fund as aforesaid shall, in determining what Allowance or Gratuity is to be made to him, be reckoned and allowed to such Chief or Head Constable; thirdly, that One Half only of the Period of Service (if any) during which such Chief or Head Constable either as such or as an inferior Member of the Force, has been subjected to no such Deduction as aforesaid from his Pay towards such Superannuation Fund as aforesaid shall be reckoned and allowed to such Chief or Head Constable in determining what Allowance or Gratuity is to be made to him; fourthly, that where such Chief or Head Constable has been promoted from another Police Force, whether County or Borough, to the Borough Force out of the Fund of which he claims Superannuation, in such a Case, if he has served not less than Seven Years either as Chief, Head, or other Constable, in such other Force, his Service in such other Force to the Extent of One Half thereof shall be deemed, for the Purposes of Superannuation, to be Service in the latter Force, and be reckoned accordingly, subject to the Conditions on which Service in the latter Force may be reckoned under this Section; and subject also to the Qualification that if at the Time when he was promoted from the other Force he was under the Rank of Chief or Head Constable, no Part of his Service in

such other Force shall be reckoned unless his Promotion took place on the Recommendation of the Chief or Head Constable of the Force from which he was promoted.

Saving Clause as to Effect of Act.

5. Nothing in this Act contained shall be construed to entitle absolutely any Chief or Head Constable or other Constable, or his Widow, to any Superannuation or Retiring Allowance or Gratuity, or to prevent any such Constable being dismissed without such Allowance or Gratuity.

Parts of Lincolnshire to be One County for Purposes of Service in Police.

6. Whereas the County of Lincoln is divided into Three Divisions, called respectively the Parts of Lindsey, the Parts of Kesteven, and the Parts of Holland, and each of the said Divisions has a separate Commission of the Peace: And whereas by the Twenty-second Section of the said "Police Act, 1859," it is enacted, that after the passing of that Act the Superannuation Fund of the said County shall be One common Account so long as the Police Force for the said County of Lincoln shall be under the Direction of One Chief Constable for the Three Divisions, but if the said Force shall thereafter be separated under different Chief Constables, in that Case it shall be lawful to divide the said Superannuation Fund in proportion to the Number of Men for each Division of the said County of Lincoln at that Time serving in the said Force, the said Superannuation Fund to be under the Management of the joint Committee for the Three Divisions, and invested by them from Time to Time: And whereas notwithstanding the said Enactment the said Three Divisions are considered as separate Counties, so far as respects the Service of the Police therein, and any Constable of the Lincolnshire Police Force, if removed from one of the said Divisions to the other, is not, for the Purpose of Superannuation, entitled to reckon the Time during which he has served as Constable in the Division from which he is removed: And whereas it is expedient to amend the Law so far as relates to the Service of Constables of the said Force: Be it enacted, That so long as the Police Force of the County of Lincoln continues under the Superintendence of the same Chief Constable, the said Three Divisions of the said County shall, for the Purpose of the Superannuation of the Members of that Force, be taken to be One County, and any Police Constable who may be or has been promoted or removed from one of the said Divisions to another shall, for the Purposes of Superannuation, be entitled to reckon as Service the whole Time he has served in any of the said Divisions; and this Section shall take effect in all respects as if it had been passed at the same Time at which the said "Police Act, 1859," was passed.

7. Whereas

Appointment of joint Committee.

7. Whereas no Provisions are contained in the said "Police Act, 1859," as to the Mode of appointing the joint Committee mentioned in the said Twenty-second Section: Be it enacted, That the said joint Committee shall consist of Twenty-eight Magistrates, to be appointed from Time to Time by the Courts of Quarter Sessions of the Peace of the said Three Divisions respectively, when and so often as the said Courts of Quarter Sessions think fit, in the Proportions following; that is to say, Fourteen Magistrates for the Parts of Lindsey, Eight Magistrates for the Parts of Kesteven, and Six Magistrates for the Parts of Holland; and Three Members of such joint Committee shall constitute a Quorum, and be competent to act; and it shall be lawful for the said joint Committee from Time to Time to make, and afterwards to alter, such Regulations for their Proceedings, and for the Investment, Management, and Administration of the said joint Fund, and for the granting and Payment of Pensions and Gratuities thereout, as to them may seem just and reasonable; which Regulations, as also any Alteration thereof, when approved by the respective Quarter Sessions of the Peace of the said Three Parts or Divisions, shall be binding and conclusive upon all Parties.

If the Court of Quarter Sessions for any One or more of the said Divisions at any Time neglect or refuse to appoint Magistrates to act upon the said joint Committee, the Magistrates appointed by the Court or Courts of Quarter Sessions of the other or others of the said Divisions shall be fully competent to act as such Committee.

Consequences of Police Force ceasing to be under One Chief Constable.

8. If at any Time hereafter the Police Force for the County of Lincoln ceases to be under the Direction of One Chief Constable for the Three Divisions of that County, the Common Superannuation Fund shall be divided amongst the Three Divisions of the County in proportion to the Number of Police serving in each Division, but notwithstanding such Apportionment any Pension that may have been granted out of the said Fund shall continue to be paid to the Persons to whom the same may have been granted, and shall be apportioned and charged upon the Superannuation Fund of such of the said Divisions as the said Joint Committee may by Writing signed by the Chairman of the said Committee direct, provided that such Appointment is confirmed by the Justices of the Peace of the said Three Divisions respectively in Quarter Sessions assembled.

Any such Apportionment as aforesaid, when confirmed and approved in manner aforesaid, shall be filed amongst the Records of the Quarter Sessions of the said Three Divisions respectively.

Police Superannuation.

A

BILL

To amend the Law relating to the Police Superannuation Funds in Counties and Boroughs.

(*Prepared and brought in by Mr. Baring and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 7 *April* 1865.

[Bill 109.]

Under 1 *oz.*

Poor Law Board Continuance, &c. Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Continuance of the Poor Law Board for Three Years.
2. Evidence of Consent of Poor Law Board.
3. Repeal of the 4 & 5 W. 4. c. 76. s. 18. requiring Copies of Poor Law Board's Orders to be sent to Clerks of the Petty Sessions. Copies of certain Orders to be sent to the Clerk of the Peace.
4. Remission of Surcharges and Disallowances need not be made by Orders under Seal.
5. Effect of an Extraordinary Audit.
6. Auditor empowered to inspect Books at any Time.
7. Accounts under 3 & 4 W. 4. c. 90., the General Lighting and Watching Act, rendered subject to Audit.
8. Consent of Guardians not required in certain Cases.
9. 4 & 5 W. 4. c. 76. s. 39. to apply to single Parishes under 22 G. 3. c. 83.
10. Repeal of Part of 4 & 5 W. 4. c. 76. s. 25. and Substitution of another Proviso.
11. Poor Law Board may unite small Parishes for the Election of Guardians.
12. A Creed Register to be kept in every Workhouse and Pauper School.
13. How the Religion of Children to be entered in the Creed Register. Creed of Illegitimate Children.
14. Evidence of Religious Faith. The Poor Law Board to decide Questions as to the Correctness of the Register.
15. Creed Register to be open to Inspection of all Ministers. Proviso as to Clergymen of the Established Church.
16. Every Minister may, subject to Regulations, visit and instruct every Inmate registered as of his Religious Creed.
17. Where no Religious Service provided in the Workhouse the Inmate may go to his own proper Place of Worship.
18. No Child in the Workhouse or School shall be required to attend any other Religious Service than its own. Exception.

19. Poor Law Board may regulate Use of Religious Books in the Workhouse.
20. Emigration Money how disposed of.
21. Registrar of Births and Deaths may be superannuated.
22. Managers and District Schools empowered to grant Superannuation Allowances.
23. The same Person not to be Overseer and Assistant Overseer.
24. The 13 & 14 Vict. c. 101. s. 10. extended to the County Rate.
25. Persons relieved out of the Workhouse refusing to perform Task of Work rendered liable to be punished under the 5 G. 4. c. 83.
26. The Limits imposed by 7 & 8 Vict. c. 101. s. 51. and the 14 & 15 Vict. c. 105. s. 6. withdrawn.
27. Interpretation of Terms and Consolidation of the Acts.
28. Short Title.

A

BILL

TO

Continue the Poor Law Board for a limited Period, and to make certain Amendments in the Law regulating the Relief of the Poor.

WHEREAS by the Act of the Eleventh Year of the Reign of Her Majesty, Chapter One hundred and nine, Provisions were made for the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in England, and for the Appointment of other Officers, which Provisions have been continued until the Twenty-third Day of July last and the End of this Session of Parliament: And whereas it is expedient that such Provisions should be further continued for a limited Period, and that various Amendments should be made in the Laws relating to the Relief of the Poor in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Continuance of the Poor Law Board for Three Years.

1. That the Commissioners appointed by Her Majesty the Queen, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said Act, together with every Person

by the said Act constituted by virtue of his Office such Commissioner, and every Officer and Person appointed or to be appointed by the Commissioners under the Provisions of the said Act, shall be empowered, unless he shall previously resign or be removed, to hold his Office and exercise the Powers thereof until the *Twenty-third Day of July One thousand eight hundred and sixty-eight* and to the End of the then next Session of Parliament; and until the Expiration of the said last-mentioned Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove the Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, and upon every Vacancy in the Office of such Commissioner to appoint, as in the said Act is mentioned, some other fit Person to the said Office.

Evidence of Consent of Poor Law Board.

2. In any Case where the Poor Law Commissioners or the Poor Law Board shall have given or refused, or shall hereafter give or refuse, their Consent, Sanction, or Approval in any Matter where their Order under Seal shall not have been expressly required, the Production of any written Document signed or purporting to be signed by a Secretary or Assistant Secretary of the said Commissioners or the said Board shall be primâ facie Evidence of the Decision of the said Commissioners or the said Board upon such Matter as aforesaid.

Repeal of the 4 & 5 W. 4. c. 76. s. 18. requiring Copies of Poor Law Board's Orders to be sent to Clerks of the Petty Sessions.

Copies of certain Orders to be sent to the Clerk of the Peace.

3. So much of the Eighteenth Section of the said Act of the Fourth and Fifth Years of King William the Fourth as requires a written or printed Copy of every Rule, Order, or Regulation of the Poor Law Board, before the same shall come into operation in any Parish or Union, to be sent to the Clerk to the Justices of the Petty Sessions held for the Division in which such Parish or Union shall be situate, shall henceforth be repealed; but a Copy of every General Rule or Order of the said Board, and of every Order forming or altering any Union, or constituting a Board of Guardians in any Parish, or prescribing any Regulation for the Administration of Relief to the Poor in any Parish or Union, to be issued hereafter, shall be sent by the Poor Law Board to the Clerk of the Peace of every County in which every Union or Parish to which the same shall be addressed shall be situated, and the same shall be kept among the public Documents of the County; and any Owner of Property, or his Agent, or any Ratepayer, in any Union or Parish, shall be allowed to inspect the same, free of any Charge, at all reasonable Times, and to be furnished by such Clerk of the Peace with Copies of the same, paying for the same at a Rate not exceeding *Threepence* for every Folio of Seventy-two Words.

4. So

Remission of Surcharges and Disallowances need not be made by Order under Seal.

4. So much of the Fourth Section of the Statute of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Ninety-one, as requires the Poor Law Board to issue an Order under their Seal in Cases where they direct any Surcharge or Disallowance made by an Auditor to be remitted, shall be repealed; and such Direction, if given in Writing under the Hand of the President of the said Board, and countersigned by a Secretary or Assistant Secretary, shall have the same Effect as if such Direction were given by such an Order as aforesaid.

Effect of an Extraordinary Audit.

5. When the Poor Law Board shall require an Auditor to hold an Extraordinary Audit of the Accounts of any Guardians or of any Officer, whether still continuing, or upon his Resignation or Removal from Office, such Audit shall be deemed to be an Audit within the Meaning of the several Acts relating to the Audit of the Accounts of the Poor Rate.

Auditor empowered to inspect Books at any Time.

6. The Auditor who shall be authorized to audit the Accounts of any Guardians, Overseers, or Officers may, at any Time, when authorized or required by the Poor Law Board so to do, inspect the Accounts and Books of Account of any Guardians, Overseer, or any Officer liable to account to him; and any such Overseer or Officer who shall refuse to allow him to inspect the same, or obstruct him in such Inspection, or shall conceal any such Account or Book for the Purpose of preventing such Inspection, shall forfeit a Sum not exceeding *Five Pounds*, to be recovered as a Penalty under the said Act of the Fourth and Fifth of King William the Fourth, and to be applied to the Use of the Parish or Union for which such Overseer or Officer respectively shall act.

Accounts under 3 & 4 W. 4. c. 90., the General Lighting and Watching Rate, rendered subject to Audit.

7. When the Provisions of the Statute Third and Fourth of William the Fourth, Chapter Ninety, or any Part thereof, shall have been adopted in any Parish or in any Part thereof, the Accounts of the Inspectors, their Treasurer, the Overseers, the Collectors, and of every other Officer receiving or expending Monies under the Authority of such Statute, shall be submitted to the Auditor appointed to audit the Accounts relating to the Poor Rate in the said Parish, at the Time when he audits such Rate, and with the like Liability and Consequences as by Law attach to the Overseers; and the Auditor shall have the same Power, and be under the same Obligation to allow or disallow such Accounts, and to surcharge, certify, and recover all such Sums as he shall find due from the Persons accounting or making or authorizing any Payment, with the like Right of Appeal to any Person aggrieved by his Decision, as in the Case of the Poor Rate; and the Poor Law Board may, as

and when they shall see fit, make Regulations for the keeping of the said Accounts, and their Inspection by all Persons interested; and thenceforth it shall not be necessary for the Inspectors to verify their Accounts before the Justices; and if any Inspector go out of Office before the Time of the Audit shall have arrived, he shall continue responsible to the Audit in respect of all Matters and Payments made by him or under his Authority up to the Time of his so going out of Office; but nothing herein contained shall exempt the Treasurer and other Officers from accounting to the Inspectors, when required so to do, under the Provisions of the said Act; provided that the First Audit of the Accounts by such Auditor shall not take place until *Lady Day One thousand eight hundred and sixty-six.*

Consent of Guardians not required in certain Cases.

8. The Poor Law Board may exercise the Powers contained in the Thirty-second Section of the Seventy-sixth Chapter of the Statute passed in the Fourth and Fifth Years of King William the Fourth, with respect to any Union of Parishes formed under the Eighty-third Chapter of the Statute of the Twenty-second Year of King George the Third, and in any Union where the Relief of the Poor is not wholly administered by One Board of Guardians, without such Concurrence of a Majority of not less than Two Thirds of the Guardians of such Union as therein is required.

4 & 5 W. 4. c. 76. s. 39. to apply to single Parishes under 22 G. 3. c. 83.

9. Section Thirty-nine of the said last-mentioned Statute of King William the Fourth shall apply to any single Parish in which the Provisions of the said last-mentioned Statute of George the Third shall have been adopted.

Repeal of Part of 4 & 5 W. 4., c. 76. s. 25., and Substitution of another Proviso.

10. The Proviso to Section Twenty-five of the said last-mentioned Statute of King William the Fourth shall be repealed, and in lieu thereof it is provided that the Principal Sum to be raised for the Purposes specified in such Section shall not exceed One Tenth of the average annual Amount of the Rates raised for the Relief of the Poor in any such Parish or Union to which such Section applies for the Three Years ending at the Easter next preceding the raising of such Money.

Poor Law Board may unite small Parishes for the Election of Guardians.

11. The Poor Law Board may by Order under Seal add any Parish the Population whereof according to the Census last declared shall not exceed *Two hundred* to the next adjoining Parish for the Purpose of the Election of Guardians; and the Persons qualified to elect such Guardians in either Parish shall be qualified to nominate and vote at such Election for the Parishes so united.

12. The

A Creed Register to be kept in every Workhouse and Pauper School.

12. The Officer for the Time being acting as the Master of a Workhouse, or the Master or Superintendent of a District or other Pauper School, shall keep a Register of the Religious Creed of the Pauper Inmates of such Workhouse or School, in such Form and with such Particulars as shall be prescribed by the Poor Law Board, by an Order under their Seal, and shall, upon the Admission of every Inmate therein, make due Inquiry into the Religious Belief of such Inmate, and enter such Religious Belief in such Register, which shall be kept distinct from all other Registers in the Workhouse or School.

How the Religion of Children to be entered in the Creed Register.

13. In regard to any Child in the Workhouse or School under the Age of Fourteen Years, whether its Parents or surviving Parent be in the Workhouse or not, or whether it be an Orphan or deserted Child, the Master or Superintendent shall enter in such Register, as the Religious Persuasion of such Child, the Religious Creed of the Father, if the Master or Superintendent know or can ascertain the same by reasonable Inquiry, or, if the same cannot be so ascertained, the Creed of the Mother of such Child, if the same be known to the said Master or Superintendent, or can be by him in like Manner ascertained; and the Creed of an illegitimate Child under the said Age shall be deemed to be that of its Mother, when that can be ascertained.

Creed of Illegitimate Children.

Evidence of Religious Faith.

14. Where all other Evidence fails as to the Religious Creed of a Child, a Certificate of the Baptism of such Child, under the Hand of the Minister who has the lawful Custody of the Register in which the Baptism of such Child shall have been lawfully entered, shall be deemed sufficient Evidence thereof for the Purpose of this Act, and an Entry shall be made in the Register herein required to be kept of such Certificate where the same shall have been received; and if any Question shall arise as to the Correctness of any Entry in such Register, the Poor Law Board may, if they think fit, inquire into the Circumstances of the Case, and determine such Question by directing such Entry to remain, or to be amended, according to their Judgment.

The Poor Law Board to decide Questions as to Correctness of the Register.

Creed Register to be open to Inspection of all Ministers.

15. Every Minister officiating in any Church or Chapel of every Denomination in the Union or Parish in which such Workhouse or School shall be situated shall be allowed to inspect such Register at any Time of the Day, between the Hours of Ten *ante meridiem* and Four *post meridiem:* Provided that where there is a Chaplain appointed for any such Workhouse or School no other Minister of the Church of England shall have any Right to make such Inspection.

Proviso as to Clergymen of the Established Church.

Every Minister may, subject to Regula-

16. Every Minister may, subject to such Regulations as the Poor Law Board shall by their Order prescribe or sanction, visit and instruct

tions, visit and instruct every Inmate registered as of his Religious Creed.

instruct any Inmate of such Workhouse or School entered in such Register as belonging to the same Religious Creed or Belief as such Minister.

Where no Religious Service provided in the Workhouse, the Inmate may go to his own proper Place of Worship.

17. Every Inmate for whom a Religious Service according to his own Creed shall not be provided in the Workhouse on Sunday, and on any other Day required by his Religion to be kept sacred, shall be permitted, subject to Regulations to be approved of or ordered by the Poor Law Board, to attend once on such Days some Place of Worship of his own Denomination within a convenient Distance of the said Workhouse.

No Child in the Workhouse or School shall be required to attend any other Religious Service than its own.

Exception.

18. No Child, being an Inmate of a Workhouse or such School as aforesaid, who shall be regularly visited by a Minister of his own Religious Creed for the Purpose of Religious Instruction, shall be instructed in any other Religious Creed, or be required or permitted to attend any other Religious Service than that entered in such Register as aforesaid, unless he be a Child above the Age of Twelve Years who shall desire to receive Instruction in some other Creed, and shall be considered by the Poor Law Board to be competent to exercise a Judgment upon the Subject.

Poor Law Board may regulate Use of Religious Books in the Workhouse.

19. The Poor Law Board may authorize or prohibit the Use of any Religious Book in the Workhouse, and among the Pauper Inmates thereof, and no Book shall be circulated among all the Inmates or among any particular Classes thereof, as the Case may be, contrary to their Order; and no Pauper Inmate shall be subject to any Punishment, Restraint, or Detriment for possessing or reading any Book so authorized by the said Board to be possessed or read by him.

Emigration Money how disposed of.

20. Where any Sum of Money has been lawfully raised or borrowed for the Purpose of the Emigration of poor Persons, and the same shall not have been wholly expended for such Purpose, the Poor Law Board may, by their Order under Seal, direct the unexpended Amount of such Sum, where it has not been raised by borrowing, to be applied in aid of the current Rate, and where it has been borrowed to be applied in reduction of the Balance of the Loan, or in aid of the current Rate, as the Case may require.

Registrar of Births and Deaths may be superannuated.

21. The Registrar of Births and Deaths appointed in any Union or Parish shall be deemed an Officer within the Operation of the Statute Twenty-seventh and Twenty-eighth Victoria, Chapter Forty-two,

two, and in computing the Salary of any Officer under that Statute the Amount of the Emoluments received by him in the Year concluded at the last preceding Quarter may be taken into the Consideration of the Guardians or Overseers.

Managers of District Schools empowered to grant Superannuation Allowances.

22. The Board of Management of any District School may exercise the same Power in respect of any Officer of such School in their Service as the Guardians of any Union can do under such last-mentioned Statute with like Consent as therein provided, and shall charge any Allowance to be made by them to the Fund chargeable with the Payment of the Salaries of their Officers.

The same Person not to be Overseer and Assistant Overseer.

23. No Person shall be qualified to be appointed to be an Overseer of the Poor in any Parish or Township who at the Time of the proposed Appointment shall be an Assistant Overseer of any Parish or Township; and no Person being an Overseer of any Parish or Township shall be qualified to be appointed an Assistant Overseer.

The 13 & 14 Vict. c. 101. s. 10. extended to the County Rate.

24. The Provisions of the Tenth Section of the Statute of the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred and one, shall extend to the County Rate or other Rate in the Nature of a County Rate levied upon the Part of the Parish therein described, situated without the Borough.

Persons relieved out of the Workhouse refusing to perform Task of Work rendered liable to be punished under the 5 G. 4. c. 83.

25. When the Guardians of any Union or Parish shall prescribe a Task of Work to be performed by any poor Person, to whom, or to whose Wife or Child, whether legitimate or illegitimate, under the Age of Sixteen, Relief shall have been lawfully granted by such Guardians out of the Workhouse, such Task being suited to the Age, Sex, Strength, and Capacity of such Person, and being of a Nature and Description of which the Poor Law Board shall have previously approved, and such Person shall refuse or wilfully neglect to perform such Task, or shall wilfully destroy or damage any of the Tools, Materials, or other Property belonging to the said Guardians, he shall be deemed to be an idle and disorderly Person within the Meaning of the Eighty-third Chapter of the Statute of the Fifth Year of King George the Fourth, and shall be liable to be prosecuted and punished in the Manner therein provided in respect of idle and disorderly Persons; and the Fifty-ninth Section of the One hundred and first Chapter of the said Statute of the Seventh and Eighth Years of Her present Majesty shall apply to any such Prosecution.

The Limits imposed by 7 & 8 Vict. c. 101. s. 51.

26. So much of the Fifty-first Section of the said last-mentioned Statute as limits the Distance within which Children may be sent to

and the 14 & 15 Vict. c. 105. s. 6. withdrawn.

to the School of any District formed under the said or any subsequent Statute from any Parish or Union not combined therein, and so much of the Sixth Section of the Statute of the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and five, as limits the Distance within which the Children may be sent from one Workhouse to another, are hereby repealed.

Interpretation of Terms, and Consolidation of the Acts.

27. The Words used in this Act shall be construed in the like Manner as in the said Statute passed in the Fourth and Fifth Years of King William the Fourth; and the Provisions contained therein, and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act; provided that the Word "Parish" shall include every Place in which for the Time being a separate Poor Rate is or can be lawfully made.

Short Title.

28. This Act may be cited and described for all Purposes as "The Poor Law Amendment Act of 1865."

Poor Law Board Continuance, &c.

A

B I L L

To continue the Poor Law Board for a limited Period, and to make certain Amendments in the Law regulating the Relief of the Poor.

(Prepared and brought in by Mr. Villiers and Viscount Enfield.)

Ordered, by The House of Commons, *to be Printed, 2 June* 1865.

[Bill 197.] *Under* 1 *oz.*

Poor Law Board Continuance, &c. Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Continuance of the Poor Law Board for One Year.
2. Evidence of Consent of Poor Law Board.
3. Remission of Surcharges and Disallowances need not be made by Order under Seal.
4. Effect of an Extraordinary Audit.
5. Auditor empowered to inspect Books at any Time.
6. Consent of Guardians not required in certain Cases.
7. 4 & 5 W. 4. c. 76. s. 39. to apply to single Parishes under 22 G. 3. c. 83.
8. Repeal of Part of 4 & 5 W. 4. c. 76. s. 25., and Substitution of another Proviso.
9. A Creed Register to be kept in every Workhouse and Pauper School.
10. How the Religion of Children to be entered in the Creed Register. Creed of Illegitimate Children.
11. Evidence of Religious Faith. The Poor Law Board to decide Questions as to the Correctness of the Register.
12. Creed Register to be open to Inspection of all Ministers. Proviso as to Clergymen of the Established Church.
13. Every Minister may, subject to Regulations, visit and instruct every Inmate registered as of his Religious Creed.
14. Where no Religious Service provided in the Workhouse or School, the Inmate may go to his own Place of Worship.
15. No Child in the Workhouse or School shall be required to attend any other Religious Service than its own. Exception.
16. Emigration Money how disposed of.
17. Registrar of Births and Deaths may be superannuated.
18. Managers of District Schools empowered to grant Superannuation Allowances.
19. The same Person not to be Overseer and Assistant Overseer.

Clauses.

20. The 13 & 14 Vict. c. 101. s. 10. extended to the County Rate.
21. Persons relieved out of the Workhouse refusing to perform Task of Work rendered liable to be punished under the 5 G. 4. c. 83.
22. The Limits imposed by 7 & 8 Vict. c. 101. s. 51. and the 14 & 15 Vict. c. 105. s. 6. withdrawn.
23. Interpretation of Terms and Consolidation of the Acts.
24. Short Title.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Continue the Poor Law Board for a limited Period, and to make certain Amendments in the Law regulating the Relief of the Poor.

WHEREAS by the Act of the Eleventh Year of the Reign of Her Majesty, Chapter One hundred and nine, Provisions were made for the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in England, and for the Appointment of other Officers, which Provisions have been continued until the Twenty-third Day of July last and the End of this Session of Parliament: And whereas it is expedient that such Provisions should be further continued for a limited Period, and that various Amendments should be made in the Laws relating to the Relief of the Poor in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That the Commissioners appointed by Her Majesty the Queen, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said Act, together with every Person Continuance of the Poor Law Board for One Year.

by the said Act constituted by virtue of his Office such Commissioner, and every Officer and Person appointed or to be appointed by the Commissioners under the Provisions of the said Act, shall be empowered, unless he shall previously resign or be removed, to hold his Office and exercise the Powers thereof until the Twenty-third Day of July One thousand eight hundred and sixty-six and to the End of the then next Session of Parliament; and until the Expiration of the said last-mentioned Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove the Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, and upon every Vacancy in the Office of such Commissioner to appoint, as in the said Act is mentioned, some other fit Person to the said Office.

Evidence of Consent of Poor Law Board.

2. In any Case where the Poor Law Commissioners or the Poor Law Board shall have given or refused, or shall hereafter give or refuse, their Consent, Sanction, or Approval in any Matter where their Order under Seal shall not have been expressly required, the Production of any written Document signed or purporting to be signed by a Secretary or Assistant Secretary of the said Commissioners or the said Board shall be primâ facie Evidence of the Decision of the said Commissioners or the said Board upon such Matter as aforesaid.

Remission of Surcharges and Disallowances need not be made by Order under Seal.

3. So much of the Fourth Section of the Statute of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Ninety-one, as requires the Poor Law Board to issue an Order under their Seal in Cases where they direct any Surcharge or Disallowance made by an Auditor to be remitted, shall be repealed; and such Direction, if given in Writing under the Hand of the President of the said Board, and countersigned by a Secretary or Assistant Secretary, shall have the same Effect as if such Direction were given by such an Order as aforesaid.

Effect of an Extraordinary Audit.

4. When the Poor Law Board shall require an Auditor to hold an Extraordinary Audit of the Accounts of any Guardians or of any Officer, whether still continuing, or upon his Resignation or Removal from Office, such Audit shall be deemed to be an Audit within the Meaning of the several Acts relating to the Audit of the Accounts of the Poor Rate, and may be held after Three Days Notice thereof given in the usual Manner.

Auditor empowered to inspect

5. The Auditor who shall be authorized to audit the Accounts of any Guardians, Overseers, or Officers may, at any Time, when authorized

authorized or required by the Poor Law Board so to do, inspect the Accounts and Books of Account of any Guardians, Overseer, or any Officer liable to account to him; and any such Overseer or Officer who shall refuse to allow him to inspect the same, or obstruct him in such Inspection, or shall conceal any such Account or Book for the Purpose of preventing such Inspection, shall forfeit a Sum not exceeding Five Pounds, to be recovered as a Penalty under the said Act of the Fourth and Fifth of King William the Fourth, and to be applied to the Use of the Parish or Union for which such Overseer or Officer respectively shall act.

Books at any Time.

6. The Poor Law Board may exercise the Powers contained in the Thirty-second Section of the Seventy-sixth Chapter of the Statute passed in the Fourth and Fifth Years of King William the Fourth, with respect to any Union of Parishes formed under the Eighty-third Chapter of the Statute of the Twenty-second Year of King George the Third, and in any Union where the Relief of the Poor is not wholly administered by One Board of Guardians, without such Concurrence of a Majority of not less than Two Thirds of the Guardians of such Union as therein is required.

Consent of Guardians not required in certain Cases.

7. Section Thirty-nine of the said last-mentioned Statute of King William the Fourth shall apply to any single Parish in which the Provisions of the said last-mentioned Statute of George the Third shall have been adopted.

4 & 5 W. 4. c. 76. s. 39. to apply to single Parishes under 22 G. 3. c. 83.

8. The Proviso to Section Twenty-five of the said last-mentioned Statute of King William the Fourth shall be repealed, and in lieu thereof it is provided that the Principal Sum to be raised for the Purposes specified in such Section shall not exceed One Tenth of the average annual Amount of the Rates raised for the Relief of the Poor in any such Parish or Union to which such Section applies for the Three Years ending at the Easter next preceding the raising of such Money.

Repeal of Part of 4 & 5 W. 4., c. 76. s. 25., and Substitution of another Proviso.

9. The Officer for the Time being acting as the Master of a Workhouse, or the Master or Superintendent of a District or other Pauper School, shall keep a Register of the Religious Creed of the Pauper Inmates of such Workhouse or School, in such Form and with such Particulars as shall be prescribed by the Poor Law Board, by an Order under their Seal, and shall, upon the Admission of every Inmate therein, make due Inquiry into the Religious Belief of such Inmate, and enter such Religious Belief in such Register, which shall be kept distinct from all other Registers in the Workhouse or School.

A Creed Register to be kept in every Workhouse and Pauper School.

How the Religion of Children to be entered in the Creed Register.

10. In regard to any Child in the Workhouse or School under the Age of Fourteen Years, whether its Parents or surviving Parent be in the Workhouse or not, or whether it be an Orphan or deserted Child, the Master or Superintendent shall enter in such Register, as the Religious Persuasion of such Child, the Religious Creed of the Father, if the Master or Superintendent know or can ascertain the same by reasonable Inquiry, or, if the same cannot be so ascertained, the Creed of the Mother of such Child, if the same be known to the said Master or Superintendent, or can be by him in like Manner ascertained; and the Creed of an illegitimate Child under the said Age shall be deemed to be that of its Mother, when that can be ascertained.

Creed of Illegitimate Children.

Evidence of Religious Faith.

11. Where all other Evidence fails as to the Religious Creed of a Child, a Certificate of the Baptism of such Child, under the Hand of the Minister who has the lawful Custody of the Register in which the Baptism of such Child shall have been lawfully entered, shall be deemed sufficient Evidence thereof for the Purpose of this Act, and an Entry shall be made in the Register herein required to be kept of such Certificate where the same shall have been received; and if any Question shall arise as to the Correctness of any Entry in such Register, the Poor Law Board may, if they think fit, inquire into the Circumstances of the Case, and determine such Question by directing such Entry to remain, or to be amended, according to their Judgment.

The Poor Law Board to decide Questions as to Correctness of the Register.

Creed Register to be open to Inspection of all Ministers. Proviso as to Clergymen of the Established Church.

12. Every Minister officiating in any Church or Chapel of every Denomination in the Union or Parish in which such Workhouse or School shall be situated shall be allowed to inspect such Register at any Time of the Day, between the Hours of Ten ante meridiem and Four post meridiem: Provided that where there is a Chaplain appointed for any such Workhouse or School no other Minister of the Church of England shall have any Right to make such Inspection.

Every Minister may, subject to Regulations, visit and instruct every Inmate registered as of his Religious Creed.

13. Every Minister may, subject to such Regulations as the Poor Law Board shall by their Order prescribe or sanction, visit and instruct any Inmate of such Workhouse or School entered in such Register as belonging to the same Religious Creed or Belief as such Minister.

Where no Religious Service provided in Workhouse

14. Every Inmate for whom a Religious Service according to his own Creed shall not be provided in the Workhouse or School on Sunday, and on any other Day required by his Religion to be kept sacred, shall be permitted, subject to Regulations to be approved of or ordered by the Poor Law Board, to attend once on such Days some Place

Place of Worship of his own Denomination within a convenient Distance of the said Workhouse or School.

or School, Inmate may go to his own Place of Worship.

15. No Child, being an Inmate of a Workhouse or such School as aforesaid, who shall be regularly visited by a Minister of his own Religious Creed for the Purpose of Religious Instruction, shall be instructed in any other Religious Creed, or be required or permitted to attend any other Religious Service than that entered in such Register as aforesaid, unless he be a Child above the Age of Twelve Years who shall desire to receive Instruction in some other Creed, and shall be considered by the Poor Law Board to be competent to exercise a Judgment upon the Subject.

No Child in the Workhouse or School shall be required to attend any other Religious Service than its own. Exception.

16. Where any Sum of Money has been lawfully raised or borrowed for the Purpose of the Emigration of poor Persons, and the same shall not have been wholly expended for such Purpose, the Poor Law Board may, by their Order under Seal, direct the unexpended Amount of such Sum, where it has not been raised by borrowing, to be applied in aid of the current Rate, and where it has been borrowed to be applied in reduction of the Balance of the Loan, or in aid of the current Rate, as the Case may require.

Emigration Money how disposed of.

17. The Registrar of Births and Deaths appointed in any Union or Parish shall be deemed an Officer within the Operation of the Statute Twenty-seventh and Twenty-eighth Victoria, Chapter Forty-two, and in computing the Salary of any Officer under that Statute the Amount of the Emoluments of his Office in the Year concluded at the last preceding Quarter may be taken into the Consideration of the Guardians or Overseers.

Registrar of Births and Deaths may be superannuated.

18. The Board of Management of any District School may exercise the same Power in respect of any Officer of such School in their Service as the Guardians of any Union can do under such last-mentioned Statute with like Consent as therein provided, and shall charge any Allowance to be made by them to the Fund chargeable with the Payment of the Salaries of their Officers.

Managers of District Schools empowered to grant Superannuation Allowances.

19. No Person shall be qualified to be appointed to be an Overseer of the Poor in any Parish or Township who at the Time of the proposed Appointment shall be an Assistant Overseer of any Parish or Township; and no Person being an Overseer of any Parish or Township shall be qualified to be appointed an Assistant Overseer.

The same Person not to be Overseer and Assistant Overseer.

The 13 & 14 Vict. c. 101. s. 10. extended to the County Rate.

20. The Provisions of the Tenth Section of the Statute of the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred and one, shall extend to the County Rate or other Rate in the Nature of a County Rate levied upon the Part of the Parish therein described, situated without the Borough, and the Auditor shall have the same Power, and be under the same Obligation, to allow or disallow Accounts audited by him under the Provisions of the Third Section of the Statute of the Twelfth and Thirteenth Years of Her Majesty, Chapter Sixty-five, and of the Thirty-third Section of the Statute of the Fifteenth and Sixteenth of Her Majesty, Chapter Eighty-one, and to surcharge, certify, and recover all such Sums as he shall find due from the Persons accounting, or making or authorizing any Payment, with the like Right of Appeal to any Person aggrieved by his Decision, as in the Case of the Poor Rate; and the Poor Law Board may, as and when they shall see fit, make Regulations for the keeping of the said Accounts herein-before mentioned or referred to.

Persons relieved out of the Workhouse refusing to perform Task of Work rendered liable to be punished under the 5 G. 4. c. 83.

21. When the Guardians of any Union or Parish shall prescribe a Task of Work to be performed by any poor Person, to whom, or to whose Wife or Child, whether legitimate or illegitimate, under the Age of Sixteen, Relief shall have been lawfully granted by such Guardians out of the Workhouse, such Task being suited to the Age, Sex, Strength, and Capacity of such Person, and being of a Nature and Description of which the Poor Law Board shall have previously approved, and such Person shall refuse or wilfully neglect to perform such Task, or shall wilfully destroy or damage any of the Tools, Materials, or other Property belonging to the said Guardians, he shall be deemed to be an idle and disorderly Person within the Meaning of the Eighty-third Chapter of the Statute of the Fifth Year of King George the Fourth, and shall be liable to be prosecuted and punished in the Manner therein provided in respect of idle and disorderly Persons; and the Fifty-ninth Section of the One hundred and first Chapter of the said Statute of the Seventh and Eighth Years of Her present Majesty shall apply to any such Prosecution.

The Limits imposed by 7 & 8 Vict. c. 101. s. 51. and the 14 & 15 Vict. c. 105. s. 6. withdrawn.

22. So much of the Fifty-first Section of the said ast-mentioned Statute as limits the Distance within which Children may be sent to the School of any District formed under the said or any subsequent Statute from any Parish or Union not combined therein, and so much of the Sixth Section of the Statute of the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and five, as limits the Distance within which the Children may be sent from one Workhouse to another, are hereby repealed.

23. The

23. The Words used in this Act shall be construed in the like Manner as in the said Statute passed in the Fourth and Fifth Years of King William the Fourth; and the Provisions contained therein, and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act; provided that the Word "Parish" shall include every Place in which for the Time being a separate Poor Rate is or can be lawfully made. Interpretation of Terms, and Consolidation of the Acts.

24. This Act may be cited and described for all Purposes as "The Poor Law Amendment Act of 1865." Short Title.

Poor Law Board Continuance, &c.

A

B I L L

[AS AMENDED IN COMMITTEE]

To continue the Poor Law Board for a limited Period, and to make certain Amendments in the Law regulating the Relief of the Poor.

(Prepared and brought in by Mr. Villiers and Viscount Enfield.)

Ordered, by The House of Commons, *to be Printed*, 15 *June* 1865.

[Bill 218.]

Under 2 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Continue the Poor Law Board for a limited Period.

WHEREAS by the Act of the Eleventh Year of the Reign of Her Majesty, Chapter One hundred and nine, Provisions were made for the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in England, and for the Appointment of other Officers, which Provisions have been continued until the Twenty-third Day of July last and the End of this Session of Parliament: And whereas it is expedient that such Provisions should be further continued for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That the Commissioners appointed by Her Majesty the Queen, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said Act, together with every Person by the said Act constituted by virtue of his Office such Commissioner, and every Officer and Person appointed or to be appointed by the Commissioners under the Provisions of the said Act, shall be empowered, unless he shall previously resign or be removed, to hold Continuance of the Poor Law Board for One Year.

hold his Office and exercise the Powers thereof until the Twenty-third Day of July One thousand eight hundred and sixty-six and to the End of the then next Session of Parliament; and until the Expiration of the said last-mentioned Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove the Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, and upon every Vacancy in the Office of such Commissioner to appoint, as in the said Act is mentioned, some other fit Person to the said Office.

Poor Law Board Continuance.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To continue the Poor Law Board for a limited Period.

(*Prepared and brought in by Mr. Villiers and Viscount Enfield.*)

Ordered, by The House of Commons, *to be Printed*, 23 *June* 1865.

[Bill 238.]

Under 1 *oz.*

A

BILL

TO

Enable the Postmaster General to sit in the House of Commons.

WHEREAS it has been held that the Office of Postmaster General is a "new Office," according to the true Intent and Meaning of the Act passed in the Sixth Year of the Reign of Queen Anne, Chapter Seven, and that the Person holding the same is thereby incapacitated from sitting and voting as a Member of the House of Commons, and as every other Office of Importance under the Crown, to which the Provisions of the above-mentioned Act would apply, has been relieved from its Operation by special Enactment in each Case, it is not expedient, with regard to either the Interest or the Dignity of the House of Commons, that any particular Office of the Executive Government should be prohibited from being held by a Member of that House: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Postmaster General not to be incapable of sitting in Commons House of Parliament.

1. That from and after the Expiration of the Period during which the Person at present holding such Office shall continue to hold the same, the Office of Postmaster General shall not be deemed such an Office as shall render the Person holding such Office incapable of being

being elected or of sitting or voting as a Member of the Commons House of Parliament, or as shall avoid his Election if returned, or render him liable to any Penalty for sitting and voting in Parliament, anything contained in the Act passed in the Sixth Year of the Reign of Queen Anne, Chapter Seven, or in any other Act or Acts, to the contrary notwithstanding.

Postmaster General.

A

BILL

To enable the Postmaster General to sit in the House of Commons.

(*Prepared and brought in by Mr. Darby Griffith, Mr. Hadfield, and Mr. Barnes.*)

Ordered, by The House of Commons, *to be Printed,* 11 *May* 1865.

[Bill 144.]

Under 1 *oz.*

Prisons Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Sect.

1. Short Title of Act.
2. Commencement of Act.
3. Application of Act.
4. Definitions.
5. Prison Authorities.
6. Justices in Sessions assembled.
7. Contracts, &c. by Prison Authorities in Counties.

PART I.

THE MAINTENANCE AND GOVERNMENT OF PRISONS.

Obligation to maintain Prisons.

8. Maintenance of Prisons.
9. Definition of separate Prison Jurisdiction.

Appointment of Officers.

10. Officers of Prison.
11. Appointment of Assistant Chaplains and Deputy Gaoler.
12. Notice of Nomination of Chaplain and Assistant Chaplain to be sent to Bishop.
13. Tenure of Office and Salaries of Prison Officers.
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A

B I L L

TO

Consolidate and amend the Law relating to Prisons.

WHEREAS it is expedient to consolidate and amend the Law relating to Prisons in England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Prison Act, 1865." Short Title of Act.

2. This Act shall come into operation on the *First Day of January One thousand eight hundred and sixty-six*, which Day is herein-after referred to as the Commencement of the Act. Commencement of Act.

3. This Act shall not extend to Scotland or Ireland, and shall not apply to the Prisons for Convicts under the Superintendence of the Directors of Convict Prisons, or to any Military or Naval Prison. Application of Act.

4. In this Act, and in any Act applied or incorporated by this Act, the Expressions herein-after mentioned shall have the Mean- Definitions:

ings herein-after attached to them, unless there is something in the Tenor of the Act inconsistent with such Meanings; that is to say,

"Municipal Borough" and "Borough:" "Municipal Borough" shall mean any Place for the Time being subject to the Municipal Corporation Act passed in the Session of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and any Acts amending the same, and "Borough" shall include "Municipal Borough:"

"Prison:" "Prison" shall mean Gaol, House of Correction, Bridewell, or Penitentiary; it shall also include the Airing Grounds or other Grounds or Buildings occupied by or for the Use of the Prison or Prison Officers:

"Gaoler:" "Gaoler" shall mean Governor, Keeper, or other Chief Officer of a Prison:

"Clerk of the Peace:" "Clerk of the Peace" shall include any Officer performing similar Duties to those of a Clerk of the Peace:

"Treasurer:" "Treasurer" shall include any Officer performing Duties similar to those of Treasurer:

"Quarter Sessions:" "Quarter Sessions" shall include "General Sessions:"

"Criminal Prisoner:" "Criminal Prisoner" shall mean any Prisoner under Charge, or convicted of a Crime, except Misdemeanants of the First Division.

"Close Confinement." "Close Confinement" shall mean Confinement in a Cell as a Punishment for Offences committed in Prison.

Prison Authorities. **5.** The Persons herein-after named shall be Prison Authorities for the Purposes of this Act; that is to say,

4 G. 4. c. 64. 1. As respects any Prison belonging to any County, except as herein-after mentioned, or to any Riding, Division, or Liberty of a County, having a separate Court of Quarter Sessions, the Justices in Quarter Sessions assembled:

5 G. 4. c. 12. 2. As respects any Prison belonging to a County divided into Ridings or Divisions, and maintained at the common Expense of such Ridings or Divisions, the Justices of the County assembled at a Court of Gaol Sessions in manner provided by the Act of the Fifth Year of King George the Fourth, Chapter Twelve:

4 G. 4. c. 64. s. 13. 3. As respects any Prison belonging to the City of London, or the Liberties thereof, the Court of the Lord Mayor and Aldermen:

4. As respects any Prison belonging to a Municipal Borough, the Council of the Borough:

5. As respects any Prison belonging to any District, Liberty, City, Borough, or Town having a separate Prison Jurisdiction,

diction, and not herein-before mentioned, the Joint Committee of Justices, the Justices, Council, or other Persons having Power at Law to build, enlarge, or repair such Prison, assembled at any Gaol Session or other formal Meeting of their Body.

"Justices in Sessions assembled."

6. The Expression "Justices in Sessions assembled" shall mean as follows; that is to say,

1. As respects any Prison belonging to any County, except as herein-after mentioned, or to any Riding, Division, or Liberty of a County, having a separate Court of Quarter Sessions, the Justices in Quarter Sessions assembled:
2. As respects any Prison belonging to any County divided into Ridings or Divisions, and maintained at the common Expense of such Ridings or Divisions, the Justices of the County assembled at Gaol Sessions:
3. As respects any Prison belonging to the City of London, or the Liberties thereof, the Court of the Lord Mayor and Aldermen:
4. As respects any Prison belonging to any Municipal Borough, the Justices of the Borough assembled at Quarterly Sessions to be held by them at the usual Time of holding Quarterly Sessions of the Peace: 7 W. 4. & 1 Vict. c. 78. s. 38.
5. As respects any Prison belonging to any City, District, Borough, or Town having a separate Prison Jurisdiction, and not herein-before mentioned, the Justices, Joint Committee of Justices, or Council, or other Persons having Power at Law to make Rules for the Government of such Prison.

Contracts, &c. by Prison Authority in Counties. 21 & 22 Vict. c. 92.

7. The Provisions of the Act of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety-two, shall apply to all Contracts, Mortgages, or Conveyances entered into or executed in pursuance of this Act, by or on behalf of, or with the Justices of any County, Riding, Division, or Liberty of a County in General or Quarter Sessions assembled; and in the Construction of that Act, the Expression "Justices in Quarter Sessions assembled" shall include the Justices of the County in Gaol Sessions assembled, in pursuance of the Act of the Fifth Year of King George the Fourth, Chapter Twelve, and the Joint Committee of Justices in Gaol Sessions in pursuance of the Act of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Fifty-three, and shall also include the Bailiff and Justices of the Liberty of Romney Marsh, assembled at any Sessions or Meeting. And all Contracts, Mortgages, or Conveyances entered into or executed in pursuance of this Act, by or on behalf of, or with any other Prison Authority, shall be entered into and executed in manner

in which such Instruments or Deeds are usually entered into by such Authority.

PART I.

The Maintenance and Government of Prisons.

Obligation to maintain Prisons.

Maintenance of Prisons. 4 G. 4. c. 64. s. 2. 5 G. 4. c. 12. 5 G. 4. c. 85. s. 1, 3. 5 & 6 W. 4. c. 76. s. 115. 6 & 7 W. 4. c. 105. s. 1. 5 & 6 Vict. c. 98. s. 15. 16 & 17 Vict. c. 43. s. 1.

8. There shall be provided, at the Expense of every County, Riding, Division, Liberty, Franchise, Borough, Town, or Place having a separate Prison Jurisdiction, adequate Accommodation for its Prisoners in a Prison or Prisons either belonging to itself or to some other Prison Authority, and constructed and regulated in such Manner as to comply with the Requisitions of this Act in respect of Prisons.

All Expenses incurred by a Prison Authority in carrying into effect the Provisions of this Act shall be defrayed out of the County Rate, or Rate in the Nature of a County Rate, Borough Rate, or other Rate leviable in the County, Riding, Division, Liberty, Franchise, Borough, or other Place having a separate Prison Jurisdiction, and applicable to the Maintenance of a Prison, or out of any other Property applicable to that Purpose.

Definition of separate Prison Jurisdiction. 4 G. 4. c. 64. s. 2. 5 & 6 Vict. c. 98. s. 15.

9. For the Purposes of this Act every County, Riding, Division, Liberty, Franchise, Borough, Town, or Place shall be deemed to have a separate Prison Jurisdiction, which maintains a separate Prison, or would be liable at Law to maintain a separate Prison if Accommodation were not provided for its Prisoners in the Prison of some other Jurisdiction.

Where a County is divided into Ridings or Divisions and a Prison is maintained at the common Expense of such Ridings or Divisions, that County shall in relation to such Prison, and for the Purposes thereof, be deemed to have a separate Prison Jurisdiction, notwithstanding a separate County Rate is not levied in such County at large.

Appointment of Officers.

Officers of Prison. 4 G. 4. c. 64. ss. 25, 26, 28, & 33.

10. There shall be appointed to every Prison by the Justices in Sessions assembled,

A Gaoler; a Chaplain, being a Clergyman of the Established Church; a Surgeon, duly registered as such, under the Act of the Session of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety; and such Number of subordinate Officers as may be necessary.

And to every Prison in which Females are confined,

A Matron and such Number of Female subordinate Officers as may be necessary.

11. The

11. The Justices in Sessions assembled may appoint an Assistant Chaplain, being a Clergyman of the Established Church, and a Deputy Gaoler, or either of such Officers, to any Prison which they deem sufficiently large to require the Appointment of such Officers or either of them.

Assistant Chaplains and Deputy Gaoler. 2 & 3 Vict. c. 56. s. 16.

12. Notice of the Nomination of a Chaplain or Assistant Chaplain to a Prison shall, within One Month after it has taken place, be transmitted to the Bishop of the Diocese in which the Prison is situate, and no Chaplain or Assistant Chaplain shall officiate in any Prison until he has obtained a Licence for that Purpose from the Bishop of the Diocese wherein the Prison is situate, nor for any longer Time than while such Licence continues in force.

Notice to be sent to Bishop as to Chaplains and Assistant Chaplains. 4 G. 4. c. 64. s. 29.

13. Every Officer of a Prison appointed under this Act shall hold his Office during the Pleasure of the Justices in Sessions assembled, and shall receive such Salary as they may direct, subject to this Proviso, that in the Case of a Municipal Borough the Amount of the Salary of every Prison Officer appointed under this Act shall be approved by the Council.

Tenure of Office and Salaries of Prison Officers. 4 G. 4. c. 64. ss. 26, 28, & 33. 7 W. 4. & 1 Vict. c. 78. s. 38.

14. If any Officer of a Prison becomes incapable, from confirmed Sickness, Age, or Infirmity, of executing his Office in Person, and such Sickness, Age, or Infirmity is certified by a Medical Certificate, and the Certificate is accompanied by a Report of the Visiting Justices, testifying to his good Conduct during his Period of Service, and recommending a Grant to be made to him (such Report to be made Three Months at the least before the Grant is made), the Justices in Sessions assembled may grant to such Officer an Annuity, by way of Superannuation Allowance, not exceeding the Scale prescribed with respect to the Superannuation Allowances of Persons in the Civil Service by the Laws for the Time being in force, with this Qualification, that if it appears from the Medical Certificate that the Sickness or Infirmity of any such Officer has been caused by Service in the Prison, it shall be lawful to grant to him an Allowance not exceeding *One Fourth* of his Salary, although such Allowance may be greater than the Sum prescribed by the said Scale; any Annuity so fixed to be payable out of the Rates lawfully applicable to the Payment of the Salaries of such Officers. Where the Power to levy the last-mentioned Rates is vested in a different Body from the Justices the Consent of such last-mentioned Body shall be obtained to the Amount of Superannuation allowed.

Superannuation of Officers. 5 & 6 Vict. c. 98. s. 30.

 15. Whenever

Removal of Officer from Apartments. 4 G. 4. c. 64. s. 27.

15. Whenever any Officer of a Prison is removed from or resigns his Office, or departs this Life, the Officer so removed or resigning, and his Family, and the Family of every such deceased Officer, shall quit the Possession of the House or Apartments in which he or they have previously resided by virtue of such Office when required so to do by Notice under the Hand or Hands of One or more Visiting Justice or Justices of the Peace; and if he or they refuse or neglect to give such Possession for Forty-eight Hours after such Notice as aforesaid has been given to him or them, any Two Justices, upon Proof made to them of such Removal, Resignation, or Death, and of the Service of such Notice, and of such Neglect or Refusal to comply therewith, may, by Warrant under their Hands and Seals, direct any Constable, within a Period therein named, to enter by Force, if necessary, into such Premises, and deliver Possession thereof to the Prison Authority, or to any Person appointed by that Authority.

Discipline of Prisoners.

Requisitions of Act as to Separation of Prisoners. 4 G. 4. c. 64. s. 10. r. 6. & s. 49. 5 G. 4. c. 85. s. 10. 2 & 3 Vict. c. 56. ss. 2, 3, 4, 5.

16. The Requisitions of this Act with respect to the Separation of Prisoners are as follows:—

1. In every Prison a separate Cell shall be provided for each Prisoner to sleep in:
2. In every Prison Cells shall be provided for the close Confinement of Prisoners for Prison Offences:
3. In a Prison containing Female Prisoners as well as Males, the Women shall be imprisoned in separate Buildings or separate Parts of the same Buildings, in such Manner as to prevent their seeing, conversing, or holding any Intercourse with the Men:
4. In a Prison where Debtors are confined, Means shall be provided for separating them altogether from the Criminal Prisoners:
5. In a Prison where Prisoners under Sentence of Solitary Confinement are confined, a competent Number of Cells shall be provided for carrying into effect the Sentences on such Prisoners:
6. In a Prison where Criminal Prisoners are confined, Means shall be provided for their Separate Confinement, having regard to the average maximum Number of such Prisoners who have been confined at One Time in such Prison during the preceding Period of Five Years, and such Means shall be deemed to be provided in Prisons where the Criminal Prisoners are prevented from holding any Communication with each other, either by every Prisoner being kept in a separate Cell by Day and by Night, except when he is at Chapel or taking Exercise,

Exercise, or by each Prisoner being confined by Night to his Cell, and being subjected to such Superintendence during the Day as will prevent his communicating with any other Prisoner.

Separate Confinement in pursuance of this Section shall not be deemed to be Solitary Confinement within the Meaning of any Act of Parliament prohibiting Solitary Confinement for more than a limited Time.

Cells to be certified for Confinement of Prisoners. 2 & 3 Vict. c. 56. s. 4.

17. 1st. No Cell shall be used as a Sleeping Cell for a Prisoner unless One of Her Majesty's Inspectors of Prisons certifies that it is fit to be so used.

2dly. No Cell shall be used for the Solitary Confinement of a Prisoner or for the Separate Confinement of a Prisoner when the Prisoner is employed therein, unless it is certified by such Inspector to be of such a Size, and to be lighted, warmed, ventilated, and fitted up in such a Manner as may be requisite for Health, and furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison; but a Distinction may be made in respect of the Use of Cells for the Separate or Solitary Confinement of Prisoners during long and short Periods of Imprisonment, and in respect of the Use of Cells in which the Prisoner is intended to be employed during the whole Day, or for a long or short Part thereof; and the Certificates of the Inspector may be varied accordingly, so as to express the Period of Imprisonment for which each Cell may be considered fit, and the Number of Hours in the Day during which the Prisoners may be employed therein.

3dly. No Cell shall be used for the close Confinement of a Prisoner unless it is certified by such Inspector that it is furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison, and that it can be used as a Cell for close Confinement without Detriment to the Prisoner's Health, and the Time for which it may be so used shall be stated in the Certificate.

Every certified Cell shall be distinguished by a Number painted over the Entrance thereof, and shall be referred to by its Number in the Certificate of the Inspector, and if the Number of any certified Cell is changed without the Consent of the Inspector, such Cell shall be deemed to be an uncertified Cell until a fresh Certificate has been given.

Any Certificate given by an Inspector in respect of a Cell may be withdrawn on such Alteration taking place in such Cell as to render the Certificate, in his Opinion, inapplicable thereto, and upon a Certificate in respect of a Cell being withdrawn that Cell shall cease to be a certified Cell for the Purposes of this Act.

If any Prison Authority feel aggrieved by the Refusal of the Inspector to certify a Cell for any of the Purposes of this Act, it may appeal to One of Her Majesty's Principal Secretaries of State, and his Decision shall be final.

Requisitions of Act as to Hard Labour. 4 G. 4. c. 64. s. 10. r. 5 & 8.

18. Hard Labour for the Purposes of this Act shall consist of Work at the Tread Wheel, Shot Drill, Crank, Crank Pump, Stone-breaking, Rope-beating, Handloom-weaving, or such other Description of Hard Labour as may be appointed by the Prison Authority, with the Approval of the Secretary of State; and in every Prison where Prisoners sentenced to Hard Labour are confined adequate Means shall be provided for employing such Prisoners at Hard Labour (having regard to the average Number of such Prisoners confined in that Prison during the preceding Period of *Five Years*); and no Prison shall be deemed to be in conformity with the Requisitions of this Act, with respect to the Enforcement of Hard Labour, unless such Means as aforesaid have been provided therein, and Prisoners sentenced to Hard Labour have been employed thereat in manner provided by this Act.

Regulations as to Government of Prisons.

19. The Regulations contained in the First Schedule hereto with respect to the Government of Prisons shall be binding on all Persons in the same Manner as if they were enacted in the Body of this Act.

Rules in addition to Regulations in Schedule. 4 G. 4. c. 64. s. 10. r. 13. and 14. 5 G. 4. c. 85. s. 10. 5 & 6 W. 4. c. 38. ss. 1, 2, 5, 6. 7 W. 4. & 1 Vict. c. 78. s. 38. 2 & 3 Vict. c. 56. s. 2. 3 & 4 Vict. c. 25. ss. 1 & 2.

20. The Justices in Sessions assembled shall make Rules for the Supply to all Prisoners confined in Prisons within their Jurisdiction of a sufficient Quantity of plain and wholesome Food, regard being had so far as relates to convicted Criminal Prisoners to the Nature of the Labour required from or performed by such Prisoners, so that the Allowance of Food may be duly apportioned thereto, and the said Justices may make Rules in respect of any other Matters relating to the Government of Prisons within their Jurisdiction, in addition to the Regulations in the said First Schedule, and may from Time to Time repeal or alter any Rules made in pursuance of this Section; but no Rule, or Repeal or Alteration of a Rule, shall be valid under this Section until One of Her Majesty's Principal Secretaries of State has certified his Approval in Writing under his Hand; and when such Approval has been certified, such Rule, or Repeal or Alteration of a Rule, shall be binding on all Persons in the same Manner as if it were enacted by this Act. If the Visiting Justices make default in making Rules that may be approved by the said Secretary of State in respect of the Supply of Food to Prisoners in any Prison within their Jurisdiction, there shall be in force in such Prison such Rules with respect to such Supply as may from Time to Time be determined by the said Secretary of State in Writing under his Hand.

Enlarge-

Enlargement and Rebuilding of Prisons.

Power to build Prisons. 4 G. 4. c. 64. s. 45. 5 G. 4. c. 12. 7 W. 4. & 1 Vict. c. 78. s. 37. 5 & 6 Vict. c. 98. s. 11.

21. Subject to the Conditions herein-after mentioned any Prison Authority may alter, enlarge, or rebuild any of its Prisons, or may, if necessary, build other Prisons in lieu of or in addition to any subsisting Prisons, and may borrow Money for the Purpose of such Alteration, Enlargement, or rebuilding.

Conditions as to Building Prisons. 4 G. 4. c. 64. s. 45. 7 W. 4. & 1 Vict. c. 78. s. 37.

22. The Necessity for any Alteration, Enlargement, or rebuilding of an existing Prison, or for the building of a new Prison, shall be proved, in the Case of a Municipal Borough, by the Certificate of the Recorder, and in any other Case by a Presentment of Two or more of the Visiting Justices or other Justices having Jurisdiction within the District of the Prison Authority; and the Consideration of such Certificate or Presentment shall not be entertained by the Prison Authority, unless not less than Three Weeks previous Notice has been given in some One or more public Newspaper or Newspapers circulating within the District of the Prison Authority, of their Intention to take the same into consideration at a Time and Place to be mentioned in such Notice, and in every Case the Sanction of One of Her Majesty's Secretaries of State must be obtained to any such Alteration, Enlargement, rebuilding, or building, or borrowing Money.

Mode of obtaining Sanction of Secretary of State to building of Prisons. 2 & 3 Vict. c. 56. ss. 12, 13.

23. In order to obtain the Sanction of the Secretary of State to the Alteration, Enlargement, or rebuilding of any Prison, the Prison Authority shall forward to him a Plan of the proposed Alterations, Enlargement, or new Building, drawn on such Scale and accompanied with such Particulars as the said Secretary may determine, and shall add thereto an Estimate of the Expense proposed to be incurred by the Prison Authority, and the Amount of Money proposed to be borrowed.

Approval of Secretary of State to Building. 2 & 3 Vict, c. 56. ss. 12, 13.

24. The said Secretary of State may or may not approve of the same with or without Modification; his Approval or Disapproval shall be certified by some Writing under his Hand; he shall state in Writing under his Hand the Amount of Money, if any, of which he sanctions the borrowing.

Monies borrowed for Building Prisons. 4 G. 4. c. 64. ss. 54, 55. 5 G. 4. c. 12. ss. 10, 11. 6 G. 4. c. 40. 11 & 12 Vict. c. 39.

25. Any Monies borrowed by a Prison Authority with the Sanction of the Secretary of State may be charged by that Authority on any County Rate or separate Rate in the Nature of a County Rate, Borough Rate, or other Rate applicable to the Maintenance of a Prison and leviable by that Authority, or on any other Property belonging to that Authority and applicable to the same Purpose as the said Rate, and shall be repaid, together with the Interest due thereon, out of such Rates or other Property.

Clauses of 10 & 11 Vict. c. 16. as to borrowing Money incorporated. 11 & 12 Vict. c. 39.

26. The Clauses of "The Commissioners Clauses Act, 1847," with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver.

In the Construction of the said Clauses "the Commissioners" shall mean "the Prison Authority."

Public Works Loan Commissioners to lend Money for building Prisons. 5 & 6 Vict. c. 98. s. 4.

27. The Public Works Loan Commissioners as defined by the Public Works Loan Act, 1853, may advance to any Prison Authority upon the Security of any Rate applicable to or chargeable with the Maintenance of a Prison without any further Security, for the Purpose of altering, enlarging, or rebuilding any subsisting Prison or building any new Prison in pursuance of this Act, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State.

Appointment of Surveyor General of Prisons. 7 & 8 Vict. c. 50. s. 4.

28. It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint a proper Person to be a Surveyor General of Prisons for the Purpose of advising the Justices and others having the Superintendence of the Construction of Prisons, and for reporting to the Secretary of State on the several Plans of Prisons which may be sent to him for his Report, and for the Performance of such other Duties connected with the Construction of Prisons as may be from Time to Time entrusted to him by the Secretary of State.

Contracts for Maintenance of Prisoners.

Contracts by Prison Authorities for Maintenance of Prisoners. 5 G. 4. c. 85. 5 & 6 W. 4. c. 76. ss. 114, 115. 6 & 7 W. 4. c. 105. s. 1. 5 & 6 Vict. c. 98. s. 14. 16 & 17 Vict. c. 43. s. 1.

29. Any Prison Authority may agree with any other Prison Authority having a Prison in conformity with the Requisitions of this Act, that the latter Authority is to receive into and maintain in its Prison or One of its Prisons all Prisoners maintainable at the Expense of the former Authority, or any particular Class or Classes of such Prisoners: Provided—

That no such Agreement shall be valid unless the Prison of the latter Authority is approved by One of Her Majesty's Principal Secretaries of State as being a fit Prison to receive the Prisoners contracted to be received there.

Expenses of Contracts between Prison Authorities. 5 G. 4. c. 85. s. 2. 5 & 6 W. 4. c. 76. ss. 114, 115.

30. A Contract entered into between Prison Authorities for the Reception into and the Maintenance in the Prison of the one Authority of the Prisoners maintainable by the other Authority may include the Costs of conveying the Prisoners to Prison, and all other Costs incurred in respect of such Prisoners, and the Contract may be either perpetual or limited to a certain Number of Years.

All Monies payable under the Contract shall be raised in the same

same Manner in which Monies for defraying the Expenses of the Prison for which a Substitute is provided under the Contract would be raiseable; and where such Expenses are not by Law wholly defrayable out of One Fund, and a Difference arises between the several Persons interested in the several Funds applicable to defraying such Expenses as to what Proportion ought to be applied to paying the Expenses arising under the Contract, such Difference shall be settled by Arbitration in manner herein-after mentioned.

6 & 7 W. 4. c. 105. s. 1. 5 & 6 Vict. c. 98. s. 14. 16 & 17 Vict. c. 43. s. 1.

31. Where an Alteration has been made in the Prison to which Prisoners committed within the Jurisdiction of any Prison Authority may be sent by reason of such Authority having appropriated any of its Prisons to a particular Class of Prisoners, or having contracted with another Prison Authority for the Reception of its Prisoners, or from any other Cause, such Alteration shall be published once at the least in Two successive Weeks in some Newspaper or Newspapers usually circulated within the Jurisdiction of the said Prison Authority, and a Copy thereof shall be sent by Post or be delivered to every Justice of the Peace within such Jurisdiction, and be served upon the Gaoler of every Prison within such Jurisdiction.

Public Notice of Prisons being appropriated to certain Prisoners. 4 G. 4. c. 64. s. 4.

Penalty for inadequate Prisons.

32. Whenever it appears to One of Her Majesty's Principal Secretaries of State that Default has been made in any Prison in complying with the Requisitions of this Act in respect of the Separation of Prisoners or of the Enforcement of Hard Labour, it shall be lawful for the said Secretary of State to certify such Non-compliance in Writing under his Hand to the Commissioners of Her Majesty's Treasury, and upon such Certificate being given no Contribution shall thenceforth be paid out of Monies provided by Parliament towards the Expenses of maintaining any Prisoners in that Prison until the said Secretary of State has revoked his Certificate, upon being satisfied that the defaulting Prison has been brought into conformity with the Requisitions of this Act, and then only from the Date of such Revocation:

Government Allowance withheld from inadequate Prisons.

Provided,—

1st. That this Section shall not affect the Payment of any Contribution payable on or before the Thirty-first Day of December One thousand eight hundred and sixty-six.

2d. That before the Certificate of the said Secretary of State is given under this Section with respect to any Prison, a Copy of the Report of the Inspector of Prisons relating to

that Prison, and a Statement of the Grounds on which the said Secretary proposes to give his Certificate, shall be sent to the Prison Authority; and it shall be lawful for such Authority, upon receiving a Copy of the said Report, and Statement, to address any Explanations or Observations relating thereto to the said Secretary of State:

3d. Whenever the Certificate of the Secretary of State is given under this Section in respect of a Prison, a Copy of the said Statement of Grounds, accompanied with any such Explanations or Observations as aforesaid, shall be laid before Parliament.

Power of Secretary of State to close inadequate Prisons.

33. If at any Time it appear to One of Her Majesty's Principal Secretaries of State that a Prison Authority has, in respect of any Prison within its Jurisdiction, made default for Four successive Years in complying with the Requisitions of this Act with respect to the Separation of Prisoners, or with respect to the Enforcement of Hard Labour, the said Secretary of State may, by Notice under his Hand, addressed to the Authority of that Prison, and forwarded by Post in a prepaid Letter to the Gaoler of the Prison, or otherwise delivered to him, require that Authority, within a Time specified in such Notice, to bring such Prison into conformity with the Requisitions of this Act with respect to such Matters as aforesaid, or to exercise the Powers given to such Authority by this Act of contracting for the Removal of the whole or a Number of its Prisoners proportioned to the Inadequacy of its Prison in respect of such Separation or Means of providing such Hard Labour to some other Prison where Means exist for carrying into effect the Requisitions of this Act with respect to the Separation of Prisoners or Means of enforcing Hard Labour: and if any Prison Authority to whom such Notice is given fail, within Six Months after the Receipt thereof, to comply with the Requirements thereby made, the said Secretary of State may order the said inadequate Prison to be closed, and direct the Removal of the Prisoners therein, and the Committal of future Prisoners to some other Prison; and upon such Order being made it shall be the Duty of the Gaoler of the said Prison, without further Warant, to remove all the Prisoners therein to the substituted Prison named in the Order of the Secretary of State, and such substituted Prison shall thenceforth, and so long as such Order is in force, for all Purposes relating to the Committal, Detention, Trial, and Punishment of the Prisoners so removed, and of the Prisoners committed thereat in pursuance of this Section, be deemed to be the Prison of the defaulting Authority, and that Authority shall pay, out of any Rates

Rates or Monies applicable to the Support of the inadequate Prison, all Expenses incurred in and about the closing of that Prison, and the Removal of the Prisoners therein to the substituted Prison; and all Expenses incurred by the Authority of the substituted Prison in respect of the Prisoners committed to that Prison in in pursuance of this Section shall be defrayed by the Authority of the inadequate Prison in the same Manner in all respects as if that Authority had contracted in pursuance of this Act with the Authority of the substituted Prison for the Reception in the last-mentioned Prison of Prisoners belonging to the Authority of the inadequate Prison.

Notice of any Order made by the said Secretary of State in pursuance of this Section shall be published in the London Gazette, and once at least in Two successive Weeks in One of the Newspapers usually circulating in the County, City, Borough, or Place in which the Prison to which the Order relates is situate, and a Copy of the Gazette or Newspaper containing such Order shall be conclusive Evidence of its Contents.

Offences in relation to Prisons.

Assisting Prisoners to escape. 4 G. 4. c. 64. s. 43.

34. Any Person who aids any Prisoner in escaping or attempting to escape from any Prison shall on Conviction be sentenced to Imprisonment and Hard Labour for a Term not exceeding Two Years.

Any Person who conveys or causes to be conveyed into or out of any Prison any Mask or other Disguise, or any Instrument or Arms, adapted to facilitate the Escape of any Prisoner shall be deemed to have aided such Prisoner in escaping or attempting to escape.

Trial of Escapes. 4 G. 4. c. 64. s. 44.

35. Any Offender escaping, breaking Prison, or being rescued therefrom, may be tried either in the Jurisdiction where the Offence was committed, or in that where he is retaken; and in case of any Prosecution for such Escape, Attempt to escape, Breach of Prison, or Rescue, either against the Offender escaping, or attempting to escape, or having broken Prison, or having been rescued, or against any other Person or Persons concerned therein, or aiding, abetting, or assisting the same, a Certificate given by the Clerk of Assize or other Clerk of the Court in which such Offender was convicted shall, together with due Proof of the Identity of the Person, be sufficient Evidence of the Nature and Fact of the Conviction, and of the Species and Period of Confinement to which such Person was sentenced.

 36. Any

Punishment for carrying Letters into and out of Prisons. 2 & 3 Vict. c. 56. s. 22.

36. Any Person who conveys any Letter or other written Communication into or out of any Prison, contrary to the Rules of such Prison, shall incur a Penalty not exceeding Twenty Pounds and not less than *Ten Pounds*, to be recovered summarily, and in default of the Payment of such Penalty shall be imprisoned for any Period not exceeding *One Calendar Month*, with or without Hard Labour.

Punishment for carrying spirituous Liquors or Tobacco into Prisons. 4 G. 4. c. 64. s. 40. 2 & 3 Vict. c. 56. s. 22.

37. If any Person, in contravention of existing Rules, carries or brings, or attempts or endeavours to introduce by any Means whatever into any Prison any spirituous or fermented Liquor or Tobacco, or other Article, it shall be lawful for the Gaoler, or any other Officer of the Prison, to apprehend or cause to be apprehended such Offender, and to carry him before a Justice of the Peace, who may convict him summarily in a Penalty not exceeding *Twenty Pounds* and not less than *Ten Pounds*, and in the event of the Offender making default in the immediate Payment of the Penalty the Justice may order him to be imprisoned for a Period not exceeding *One Month*, with or without Hard Labour.

If any Justice receives Information upon Oath that any spirituous or fermented Liquor is unlawfully kept or disposed of in any Prison, he may enter and search or issue his Warrant to enter and search for such Liquor; and in case it is found it shall be lawful for the Person so finding to seize the same, and cause it to be disposed of as the Justice directs.

If any Gaoler of any Prison sells, uses, lends, or gives away, or knowingly permits or suffers to be sold, lent, or given away in such Prison, or brought into the same, any spirituous or fermented Liquor, in contravention of the existing Rules of such Prison, he shall for every such Offence, in addition to any other Punishment to which he is subject, be liable to a Penalty not exceeding *Twenty Pounds*, to be recovered in a summary Manner.

Punishment for Assaults on Prison Officer. 5 & 6 Vict. c. 98. s. 25.

38. Any Person who assaults or violently resists any Officer of a Prison in the Execution of his Duty, or who aids or incites any Person so to assault or resist any such Officer, shall for every Offence be liable to a Penalty not exceeding *Five Pounds*, to be recovered summarily, and in default of Payment to be imprisoned, with or without Hard Labour, for any Time not more than One Calendar Month, or, if the Offender be already under Sentence, then such Offender, for every such Offence, shall be imprisoned, with Hard Labour, for any Time not exceeding *Six Calendar Months*, in addition to so much of the Term for which he was originally sentenced as may then be unexpired.

39. Any

Discharge of Prisoners.

When Term of Imprisonment expires on Sunday, Prisoner to be discharged on preceding Day. 5 & 6 W. 4. c. 38. s. 12.

39. Any Prisoner confined in any Prison whose Term of Imprisonment would, according to his Sentence, expire on any Lord's Day, shall be entitled to his or her Discharge from such Prison on the Saturday next preceding such Lord's Day; and every Gaoler of every Prison having the Custody of any such Prisoner as aforesaid is hereby required and authorized to discharge such Prisoner on the Saturday next preceding any such Lord's Day.

Allowance to discharged Prisoner. 4 G. 4. c. 64. s. 39., 25 & 26 Vict. c. 44. s. 1.

40. Where any Prisoner is discharged from Prison, the Visiting Justices may order a Sum of Money not exceeding *Two Pounds*, to be paid by the Gaoler to the Prisoner himself, or to the Treasurer of a Certified Prisoners Aid Society, on his receiving from such Society an Undertaking in Writing, signed by the Secretary thereof, to apply the same for the Benefit of the Prisoner, or, if that becomes impossible, to appropriate any unapplied Part thereof for the Benefit of such other Prisoner or Prisoners discharged from the said Prison as the Visiting Justices may direct.

Discharged Prisoners to be afforded Means of returning to their Place of Settlement. 5 G. 4. c. 85. s. 22.

41. When any Prisoner discharged from Prison is desirous of being supplied with the Means of returning to his Place of Settlement it shall be lawful for any Two Visiting Justices of such Prison, upon Application from such Prisoner, to take the Examination in Writing upon Oath of such Prisoner as to his or her last legal Place of Settlement; and upon such other Examination and such other Evidence as the said Visiting Justices may be able to procure, it shall be lawful for the said Visiting Justices, if they think fit, to afford to such Prisoner the Means of returning to his or her Place of last legal Settlement in the Manner herein-after directed.

Printed Forms of Passes to be provided. 5 G. 4. c. 85. s. 23.

42. It shall be lawful for the Justices in Sessions assembled to cause printed Forms of Passes to be provided according to the Form in the Second Schedule annexed to this Act, and sealed with the Seal used in official Transactions, or with a Seal to be specially provided for that Purpose, and the said Justices may cause the same to be issued by the Gaolers of the several Prisons within their respective Jurisdictions, for the Use of the Visiting Justices of each such Prison, whenever any Prisoner or Prisoners discharged from or about to be discharged from such Prison applies to be furnished with the same; and the said Visiting Justices shall, after a due Consideration of the Circumstances,

fill up the Blanks in every such Pass, and certify the same, and make out a Route, in the proper Column for the Purpose, of each such Prisoner, and for the Child or Children, if any, of each such Prisoner, specifying the Place to which such Prisoner and such Child or Children is or are going, and the Time to which the said Pass is (except in Cases of Sickness or unavoidable Accident) limited, in order that such Prisoner may receive such Allowances as are authorized by this Act, not exceeding *Three Halfpence* per Mile for such Prisoner, and *One Penny* per Mile for each Child which, from being in a State of Nurture or without other Protection, may have been confined in Prison with such Prisoner.

Overseers of the Poor to pay a certain Allowance to discharged Prisoners on producing their Pass. 5 G. 4. c. 85. s. 24.

43. Upon the Production of a Pass given in pursuance of this Act to any Overseer of the Poor of any Place through which such discharged Prisoner proceeds according to the Route specified in such Pass, he shall, out of any Money in his Hands applicable to the Relief of the Poor, pay such discharged Prisoner an Allowance, not exceeding the Rate per Mile specified in such Pass as aforesaid, for the Number of Miles to the next City, Town, or Place to which he may be going, and he shall indorse on such Pass the Money so paid, and take a Receipt for the same from the discharged Prisoner, signed with his Hand or Mark.

County Treasurer to repay Overseer Money advanced. 5 G. 4. c. 85. s. 25.

44. The Sums advanced by any Overseer on account of any Pass given in pursuance of this Act shall, upon Production and Delivery of such Receipt to the Treasurer of the County, Riding, or Division in which the Parish or Place of such Overseer is situate, be repaid to the Overseer, for the Use of the Fund for the Relief of the Poor of such Parish or Place, by the said Treasurer.

When discharged Prisoner to deliver up Pass. 5 G. 4. c. 85. s. 26.

45. Every discharged Prisoner holding a Pass in pursuance of this Act shall, at the last Place of his receiving any Allowance under this Act, deliver up such Pass to the Overseer of the Poor advancing such Allowance, who shall transmit the same by Post to the Gaoler of the Prison from which such Prisoner has been discharged.

Purchase of Land.

Incorporation of Provisions of Lands Clauses Act. 4 G. 4. c. 64. ss. 56–66.

46. Any Prison Authority may purchase such Lands or Easements relating to Lands as they may require for the Purposes of this Act; and to facilitate such Purposes "The Lands Clauses Consolidation Act, 1845," and the Act amending the same, passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and six, shall be

be incorporated with this Act, with the Exceptions and subject to the Conditions herein-after contained; that is to say,

1. There shall not be incorporated with this Act the Sections and Provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned; that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; Section Seventeen, whereby it is provided that the Certificate of the Justices shall be Evidence that the Capital has been subscribed; the Provisions relating to the Entry upon Lands by the Promoters of the Undertaking, contained in Sections Eighty-four to Ninety-one, both inclusive; Section One hundred and twenty-three, whereby a Limit of Time for the compulsory Purchase of Land is imposed; or the Provisions relating to Access to the Special Act:

2. In the Construction of this Act and the said incorporated Acts, this Act shall be deemed to be the Special Act, and the Prison Authority shall be deemed to be the Promoters of the Undertaking, and the Word "Lands" shall include any Easement in or out of Lands:

3. The Prison Authority shall not, except in respect of Lands contiguous to a Prison and required for the Purpose of enlarging a Prison or rendering it more commodious, put in force the Provisions of the said incorporated Acts with respect to the Purchase of Land otherwise than by Agreement. 4 G. 4. c. 64. s. 58.

Disposal of unnecessary Prisons.

Sale of unnecessary Prisons. 7 G. 4. c. 18.

47. Any Prison Authority may sell any Prison belonging to or held on trust for them that appears to them to be unnecessary by reason of their having provided for the Accommodation of their Prisoners in some other adequate Prison, and the Monies arising from such Sale shall be applied in discharging any Expenses that may have been or may hereafter be incurred by such Authority in building, altering, enlarging, or rebuilding any Prison within their Jurisdiction, or otherwise in aid of the Rate raisable for the Maintenance of their Prisons.

No Sale shall be made in pursuance of this Section by a Prison Authority, unless not less than Three Weeks previous Notice has been given in some One or more public Newspaper or Newspapers circulating within the District of the Prison Authority, of their Intention to take into consideration the Propriety of making such a Sale at a Time and Place to be mentioned in such Notice.

Any Sale in pursuance of this Act may be made by Private Contract or Public Auction, and subject to any special Conditions as to

Title or other Matters the Vendors may think expedient. No Purchaser shall be required to examine into the Propriety of the Sale of any Prison in pursuance of this Act, or into the Appropriation of any Monies paid by him to the Vendors; and any such Sale shall, in the Absence of actual Fraud on his Part, be valid so far as he is concerned, notwithstanding any Omission to give such Notice as aforesaid, or any other Impropriety in the Sale or Misapplication of the Purchase Money.

Miscellaneous.

Inquests on Prisoners. 4 G. 4. c. 64. s. 11.

48. It shall be the Duty of the Coroner having Jurisdiction in the Place where a Prison is situate to hold an Inquest on the Body of every Prisoner who may die within the Prison. Where it is practicable, One clear Day shall intervene between the Day of the Death and the Day of the holding the Inquest; and in no Case shall any Officer of the Prison, or any Prisoner confined in the Prison, be a Juror on such Inquest.

General Issue may be pleaded to Action. 4 G. 4. c. 64. s. 73.

49. If any Suit or Action is prosecuted against any Person for anything done in pursuance of this Act, such Person may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done by Authority of this Act; and if a Verdict passes for the Defendant, or the Plaintiff becomes nonsuited, or discontinues his Action after Issue joined, or if, upon Demurrer or otherwise, Judgment be given against the Plaintiff, the Defendant shall recover double Costs and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict be given for the Plaintiff in any such Action such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial takes place certifies his Approbation of the Action and of the Verdict obtained thereupon.

Venue where laid. 4 G. 4. c. 64. s. 75.

50. All Actions, Suits, and Prosecutions commenced against any Person for anything done in pursuance of this Acts shall be laid and tried in the County or Place where the Act complained of were committed, and shall be commenced within *Six Calendar Months* after the Committal thereof, and not otherwise.

Provision as to Arbitration. 5 G. 4. c. 12. s. 8. 5 G. 4. c. 85. s. 21.

51. Any Difference authorized or directed by this Act to be settled by Arbitration shall be referred to the Arbitration of a Barrister-at-Law to be appointed in Writing, on the Application of any Party to the Difference, by any Judge of Assize of the last preceding or of the next succeeding Circuit; and all the Provisions

visions of "The Common Law Procedure Act, 1854," relating to compulsory References, shall be deemed to extend to any such Arbitration, with this Addition, that it shall be obligatory on the Arbitrator, at the Request of any Party to the Difference, to state a special Case for the Opinion of a Superior Court.

5 & 6 W. 4. c. 76. s. 117. 6 & 7 W. 4. c. 105. s. 1. 5 & 6 Vict. c. 53. s. 1. 5 & 6 Vict. c. 98. s. 14. 7 & 8 Vict. c. 93. 16 & 17 Vict. c. 43.

Visiting Justices.

52. The Justices within every Prison Jurisdiction, in Sessions assembled, shall, at their First Sessions in each Year, nominate Two or more Justices, with their Consent, to be Visitors of each Prison within their Jurisdiction, and report the Names and Places of Abode of such Visiting Justices to One of Her Majesty's Principal Secretaries of State; and One or more of the Visiting Justices so appointed shall personally visit and inspect each Prison at least Three Times in each Quarter of a Year, and oftener if Occasion require, and shall examine into the State of the Buildings, so as to form a Judgment as to the Repairs, Additions, or Alterations which may appear necessary, strict Regard being had to the Requisitions of this Act with respect to the Separation of Prisoners, and Enforcement of Hard Labour in Prisons, and shall further examine into the Behaviour and Conduct of the respective Officers, and the Treatment, Behaviour, and Conduct of the Prisoners, the Means of setting them to work, the Amount of their Earnings, and the Expenses attending the Prison, and shall inquire into all Abuses within the Prison, and shall take cognizance of Matters of pressing Necessity, and within the Powers of their Commission as Justices, and regulate the same.

Appointment of Visiting Justices. 4 G. 4. c. 64. s. 16.

53. The Justices in Sessions assembled may make Rules with respect to the Duties of Visiting Justices, and from Time to Time repeal or alter any Rule so made, and make other Rules in addition thereto or in substitution therefor, but no Rules shall be valid if made inconsistent with any Provision of this Act. Any Rules made in pursuance of this Section shall be binding on all Persons in the same Manner as if they were enacted in this Act, and Copies of such Rules shall be sent to the Secretary of State.

Power to make Rules as to Visting Justices.

54. Any Justice of the Peace having Jurisdiction in the Place where a Prison is situate may, whenever he thinks fit, enter into and examine the Condition of such Prison, and hear any Complaint that may be made by the Prisoners therein, and inquire into the Grounds of such Complaints; but he shall not be entitled in pursuance of this Section to visit any Prisoner under Sentence of Death, or to communicate with any Prisoner, except in reference to the Treatment in Prison of such Prisoner, or to some Complaint that such Prisoner may make as to such Treatment.

Visits to Prison by any Justice. 4 G. 4. c. 64. ss. 17, 18.

The Gaoler shall keep a Book, in which any Justice that may visit a Prison in pursuance of this Section may enter any Observations he may think fit to make in reference to the Condition of the Prison, Abuses therein, or Complaints of Prisoners; and it shall be the Duty of the Gaoler to draw the Attention of the Visiting Justices, at their next Visit to the Prison, to any Entries made in the said Book, and the Visiting Justices shall take the same into Consideration, and redress, if able to do so, any Abuses in the Prison pointed out in such Entries; but if unable to redress the same, or unwilling, from Difference of Opinion or otherwise, to accede to any Suggestions contained in any such Entries, they shall bring the same, as soon as possible, under the Consideration of the Prison Authority of that Prison.

PART II.

Law of Prisons.

Abolition of Distinction between Gaol and House of Correction. 4 G. 4. c. 64. s. 5. 5 & 6 W. 4. c. 38. ss. 3, 4. 13 & 14 Vict. c. 19. ss. 1, 2. 14 & 15 Vict. c. 55. s. 20.

55. Every Prison to which this Act applies shall be deemed to be a Gaol and House of Correction, but no Class of Prisoners that have not previously to the passing of this Act been confined in a particular Prison shall be confined there until One of Her Majesty's Principal Secretaries of State has certified that such Prison is a fit Place of Confinement for that Class of Prisoners.

Jurisdiction over Prison. 7 W. 4. & 1 Vict. c. 78. s. 40.

56. Every Prison, wheresoever situate, shall for all Purposes be deemed to be within the Limits of the Place for which it is used as a Prison.

Committal of Prisoners.

57. The Committal of a Prisoner shall in no Case be invalid by reason only that he is committed to a Prison other than that to which he ought to be committed by Law; and any Prisoner committed to a Prison other than aforesaid shall be forthwith removed to his proper Place of Confinement by an Order under the Hand of any Visiting Justice of such first-mentioned Prison, or of any competent Court, but until such Removal takes place the Prisoner may be legally confined in such first-mentioned Prison.

Custody of Prisoners. 4 G. 4. c. 64. s. 6. 5 & 6 W. 4. s. 38. ss. 3, 4.

58. Every Prisoner confined in a Prison shall be deemed to be in the legal Custody of the Gaoler; but in any Prison in which Sentence of Death is required to be carried into effect on any Prisoner, the Sheriff shall, for the Purposes of carrying that Sentence into execution, be deemed to have the same Jurisdiction with respect to such Prison as he has hitherto had by Law with respect to the Common Gaol of a County.

59. The

Security to Sheriff. 7 W. 4. & 1 Vict. c. 78. s. 42. 17 & 18 Vict. c. 115. s. 4.

59. The Gaoler of any Prison in which Debtors are confined shall give Security to the Sheriff for their safe Custody, to such Amount as may be determined by Agreement, or, in default of Agreement, may be settled by the Justices in Sessions assembled.

Responsibility of Sheriff. 17 & 18 Vict. c. 115. s. 5.

60. The Sheriff shall not be liable for the Escape from Imprisonment of any Prisoner other than a Debtor, but, with the above Exception, he shall be subject to the same Liabilities as he has hitherto been subject to by any Law, Charter, or Custom.

Description of Prison in Writ.

61. Any Writ, Warrant, or other legal Instrument addressed to the Gaoler of a particular Prison, describing the Prison by its Situation or other definite Description, shall be valid, by whatever Title such Gaoler is usually known, or whatever be the Description of the Prison, whether Gaol, House of Correction, Bridewell, Penitentiary, or otherwise.

Gaoler of Prison to deliver Calendar. 13 & 14 Vict. c. 91. s. 1.

62. The Gaoler of every Prison shall deliver to the Judges of Assize, and to the Justices in Quarter Sessions, a Calendar of all Prisoners in Custody for Trial at such Assizes or Gaol Sessions, in the same Way as the Sheriff of a County has hitherto been required by Law to deliver a Calendar of such Prisoners when committed to the Common Gaol of the County.

Removal of Prisoners for Trial. 13 & 14 Vict. c. 91. ss. 3, 4. 14 & 15 Vict. c. 55. ss. 21, 22. 17 & 18 Vict. c. 115.

63. A Prisoner may be removed in the Custody of the Gaoler from one Prison to another, for the Purpose of being tried or undergoing his Sentence, and no Prisoner whilst under the Control of a Gaoler shall be deemed to have escaped, although he may be taken into different Jurisdictions or different Prisons.

Removal of Prisoners in other Cases. 4 G. 4. c. 64. ss. 51, 52.

64. Prisoners may be removed from one Prison to another within the Jurisdiction of the same Prison Authority, or from the Prison of one Authority to the Prison of any other Authority, with the Consent of such last-mentioned Authority, by Order of the Justices in Sessions assembled, for the Purpose of enabling any Prison to be altered, enlarged, or rebuilt, or in case of a contagious or infectious Disease breaking out in any Prison, or for any other reasonable Cause; and in case of Emergency such Removal may be made in pursuance of an Order under the Hands of the Visiting Justices.

Her Majesty may order Prisoners to be removed from one Prison to another. 5 & 6 W. 4. c. 38. s. 11.

65. It shall be lawful for Her Majesty, by an Order under the Hand of One of Her Majesty's Principal Secretaries of State, to direct any Person in Prison in England and Wales under Sentence of any Court, or of any competent Authority, for any Offence committed by him, to be removed from the Prison in which he is confined

confined to any other of Her Majesty's Prisons within England and Wales, there to be imprisoned for and during his Term of Imprisonment.

Custody and Trial of Prisoners in a substituted Prison.
4 G. 4. c. 64. s. 8.
5 G. 4. c. 85.
5 & 6 W. 4. c. 76. ss. 114, 115.
6 & 7 W. 4. c. 105. s. 1.
16 & 17 Vict. c. 43.
21 & 22 Vict. c. 68.

66. Where a Prison Authority, in this Section called the contracting Authority, has legally contracted with any other Prison Authority, in this Section called the receiving Authority, that the receiving Authority is to receive into and maintain in its Prison any Prisoners maintainable at the Expense of the contracting Authority, in this Section included under the Term contracting Authority, the Prison of the receiving Authority shall for all the Purposes of and incidental to the Commitment, Trial, Detention, and Punishment of the Prisoners of the contracting Authority, or any of such Purposes, according to the Tenor of the Agreement, be deemed to be the Prison of the contracting Authority, except that the contracting Authority shall have no Right to interfere in the Management of the Prison of the receiving Authority: And, except that it shall be lawful for the contracting Authority to agree with the receiving Authority for the Trial of its Prisoners by the same Tribunal as the Prisoners of the receiving Authority, and in the Event of such an Agreement being made, the Prisoners of the contracting Authority shall, for all Purposes of and incidental to their Trial, be dealt with in the same Manner as the Prisoners of the receiving Authority.

PART III.

Discontinuance of certain Prisons.

Prohibition of Committals to Prisons in Third Schedule.

67. After the *First Day of January One thousand eight hundred and sixty-six* no Person shall be committed to any of the Prisons mentioned in the Third Schedule hereto.

All Persons who before the passing of this Act might lawfully have been committed to any of the said Scheduled Prisons shall, after the passing thereof, be committed to the Prison of the County in which the said Scheduled Prison is situated; and such County Prison shall, for all Purposes relating to or consequential on the Committal, Trial, Confinement, or Discharge of Prisoners committed thereto in pursuance of this Act, be regarded in Law as if it were the said Scheduled Prison.

Removal of Prisoners in Scheduled Prisons.

68. As soon as conveniently may be after the said *First Day of January One thousand eight hundred and sixty-six*, the Gaoler of each of the said Scheduled Prisons shall, without Writ of Habeas

Habeas corpus or other Writ for that Purpose, remove every Prisoner under Sentence or committed for Trial in such Prison to the Prison of the County in which the said Scheduled Prison is situate, and deliver such Prisoner into the Custody of the Gaoler of the said County Prison, together with the Writ and other Process under which the Prisoner was arrested or confined; and the Gaoler of the said County Prison shall be bound to receive such Prisoner, and shall give a Receipt to the Gaoler of the said Scheduled Prison for every Prisoner removed in pursuance of this Section.

Expenses of Prisoners confined in County Prisons under Act.

69. The Expenses which may be incurred by any County in the Conveyance, Transport, Maintenance, safe Custody, and Care of every Prisoner confined, in pursuance of this Part of this Act, in the County Prison instead of in One of the said Scheduled Prisons, including the Expenses of the Removal of the Prisoners from one Prison to another, shall be defrayed in manner provided by Law in Cases where the Prisoners committed for Offences arising within any Borough or other Place that does not contribute to the County Rate are sent to any Prison of a County, and there is no special Contract between such Borough or other Place and the County relative to such Prisoners.

Saving Clause as to Process.

70. All Writs, Process, Warrants, and Authorities authorizing, within any Place to which any of the said Scheduled Prisons belongs, the Arrest of any Person who might, if this Act had not been passed, have been confined in such Prison, shall be executed within such Place by the same Officer as might have executed the same if this Act had not been passed; and such Officer shall have all such Powers and Authorities for conveying such Person to the Prison of the County as the Bailiffs of the Sheriff have in the Execution of Writs, Process, Warrants, or Authorities for the like Purpose; and the like Penalties and Punishments shall attach in the Case of an Escape or Rescue from the Officer of such Place as aforesaid, or other Interference with such Officer in the Discharge of his Duty, as in the Case of an Escape or Rescue from or like Interference with the Bailiff of the Sheriff.

Power to use Scheduled Gaols as Lock-up Houses.

71. The Prison Authority of any of the said Scheduled Prisons may sell the same in manner provided by this Act, in case where a Prison appears to a Prison Authority to be unnecessary, by reason of its having provided for the Accommodation of its Prisoners in some other adequate Prison, or may, with the Sanction of the said Secretary of State, cause the same to be used as Police Station Houses, Lock-up Houses, or other Places for the temporary Con-

finement of Persons taken into Custody, and not yet committed for Trial, or in execution of any Sentence.

Power to allow Compensation to Persons deprived of Office.

72. The Justices in Sessions assembled having Jurisdiction over each of the said Scheduled Prisons may allow such Compensation or Superannuation Allowance as they think fit to any Person who, by reason of the passing of this Part of this Act, is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceeds the Proportion of the Salary or Emolument which might be granted under similar Circumstances to a Person in the Civil Service under the Acts for regulating such Compensations or Superannuation Allowances for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of any Rates applicable to the Payment of the Salaries of such Officers, subject to this Proviso, that when the Power to levy such Rates is vested in a different Body from the Justices, the Consent of such last-mentioned Body shall be obtained to the Amount of Superannuation allowed.

PART IV.

Repeal of Statutes, and Saving Clauses.

Repeal of Acts.

73. After the Commencement of this Act there shall be repealed the several Acts specified in the First Part of the Fourth Schedule hereto, with this Qualification, that so much of the said Acts as is set forth in the Second Part of the said Schedule shall be hereby re-enacted and continue in force as if unrepealed.

Saving Clause as to Repeal.

74. No Repeal hereby enacted shall affect,

1. Any Order made, Sentence passed, or other Act or Thing duly done under any Acts hereby repealed:
2. Any Right or Privilege acquired, any Security given or other Liability incurred under any Act hereby repealed:
3. Any Penalty, Forfeiture, or other Punishment incurred in respect of any Offence against any Act hereby repealed:
4. Any Appointment to an Office made under any Act hereby repealed, or any Power of removing the Holder of such Office, or otherwise dealing with such Office as respects the existing Holder thereof in manner provided by any Act hereby repealed:
5. Any Certificate in respect of Cells made by any Prison Inspector:
6. The Power of committing Prisoners to any Prison except in so far as the same may hereafter be altered in pursuance of Powers given by this Act.

75. All

75. All Cells certified before the passing of this Act by any Inspector of Prisons as being fit to be used for the Separate Confinement of Prisoners shall be deemed to be Cells certified under this Act as being fit to be used for such Separate Confinement. Certificates as to Cells.

76. Any Act of Parliament in which Reference is made to Arbitration by a Barrister in manner provided by any Act hereby repealed shall be construed as if in such first-mentioned Act Reference had been made to Arbitration as conducted in manner provided by this Act. Saving Clause as to Arbitration. 5 & 6 W. 4. c. 76. s. 24.

77. Whereas, by an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Fifty-three, it is enacted that all the Provisions of an Act passed in the Fifth Year of the Reign of King George the Fourth, Chapter Eighty-five, intituled "An Act for amending an Act of the last "Session of Parliament relating to the building, repairing, and "enlarging of certain Gaols and Houses of Correction, and for pro- "curing Information as to the State of all other Gaols and Houses "of Correction in England and Wales," as amended by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled "An Act for the better Administration of Justice in "certain Boroughs," shall extend, as nearly as may be, to all Agreements in the said Acts mentioned, and to the Trial and Punishment of the Offenders therein mentioned, and to all Acts necessary for such Trial or consequent thereon, subject to the Provisions therein-after contained: And whereas the said Act of the Fifth Year of the Reign of His said Majesty, Chapter Eighty-five, is repealed by this Act: Be it enacted, That the Act first mentioned in this Section shall be construed as if the Provisions of this Act relating to the same Matters as the Provisions repealed by this Act had been referred to in the first-mentioned Act instead of such repealed Provisions. Saving Clause as to repealed Act relating to building Prisons, &c. 5 & 6 Vict. c. 53. s. 1.

78. Any Act of Parliament in which Reference is made to the Sale of old Prisons in manner provided by any Act hereby repealed, shall be construed as if in such first-mentioned Act Reference had been made to the Sale of old Prisons in manner provided by this Act. Saving Clause as to Sale of old Prisons. 5 & 6 Vict. c. 53. s. 35.

79. In the Construction of the Act of the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Forty-four, the Expression, "the Gaol Act," shall mean this Act instead of the Act therein referred to. Saving Clause as to Meaning of Gaol Act. 25 & 26 Vict. c. 44.

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Preservation of Rights of Creditors.

80. Nothing in this Act contained shall affect the Right of any Creditor who may have advanced any Monies for building, repairing, or otherwise for the Purposes of any Prison discontinued in pursuance of this Act, or may have advanced any Monies on any Mortgage or other Security; and it shall be lawful for such Creditor to pursue any Remedies for recovering the Principal or Interest Monies due to him, and to enjoy the Benefit of any Security of which he may be possessed, in the same Manner as if this Act had not passed, and as if the Acts hereby repealed had remained in full Force.

Saving of Superannuation Allowances.

81. Nothing in this Act contained shall affect the Tenure of Office or Salary or Superannuation Allowance of any Officer of a Prison appointed prior to the Commencement of this Act, but such Officer shall remain entitled to the same Tenure of Office, Salary, and Compensation Allowance, as if this Act had not passed.

Saving as to Rules.

82. All Rules in force in any Prison that are inconsistent with this Act, or the Regulations in the Schedule hereto, shall be repealed from and after the Commencement of this Act, but all other Rules in force in any Prison shall so continue until altered in manner in this Act provided.

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SCHEDULE I.

REGULATIONS FOR GOVERNMENT OF PRISONS.

General.

Cleanliness. 4 G. 4. c. 64. s. 10. r. 19.

1. The Prison shall be kept in a cleanly State, and the Walls and Ceilings of the Wards, Cells, Rooms, and Passages used by the Prisoners throughout every Prison shall either be painted with Oil, or be limewashed, or partly painted and partly limewashed. Where painted with Oil the Painting shall be washed with hot Water and Soap once at least in every Six Months. Where limewashed the Limewashing shall be renewed once at least in every Year. The Day Rooms, Work Rooms, Passages, and Sleeping Cells shall be washed or cleansed once a Week, or oftener if requisite.

Trees not allowed against the outer Walls, &c.

2. No Trees shall be allowed to grow against the outer Walls of the Prison, nor any Rubbish or other Articles to be laid against them, nor any Tools or Implements of any Kind likely to facilitate Escape, be left unnecessarily exposed.

Temperature.

3. Thermometers shall be placed in different Parts of the Prison, and a daily Record kept of the Temperature.

Visitors not to sleep within the Prison.

4. No Person shall be permitted to sleep in the Apartments of any subordinate Officer of the Prison without written Permission from a Visiting Justice.

Hours of locking and unlocking the Prison.

5. The Prison shall be locked, and the Keys of the outer Gate delivered to the Gaoler at Ten o'Clock each Night; and a Report be then made to the Gaoler whether the Officers resident in the Prison are all present. The Keys shall be kept by the Gaoler until the Hour of unlocking in the Morning; and no Ingress or Egress between the Hour of locking at Night and unlocking in the Morning shall be allowed, except to the Chaplain or Surgeon and in special Cases, shall be entered in the Journal of the Gaoler.

Admission and Discharge of Prisoners.

Prohibition of Fees. 2 & 3 Vict. c. 56. s. 6. r. 7.

6. No Money, Food, Perquisite, or Gratuity of any kind, under the Name of Garnish, or under any Name or Pretence whatever, shall be taken or received from any Prisoner on his Entrance into the Prison, or from any Person on his account, or at any other Time.

Search of Prisoners on Admission.

7. Prisoners on Admission shall be searched, and all dangerous Weapons, Articles calculated to facilitate Escape, and prohibited Articles, shall be taken from them.

Prisoner to be alone when searched.

8. No Prisoner shall be searched in the Presence of any other Prisoner.

Effects to be retained by Gaoler. 2 & 3 Vict. c. 56. s. 6. r. 7.

9. All Money or other Effects brought into the Prison by any Prisoner, or sent to the Prison for his Use, which he is not allowed to retain, shall be placed in the Custody of the Gaoler, who shall keep an Inventory of them in a separate Book, to be called the "Prisoners Property Book."

Register of certain Particulars relating to Prisoner. 4 G. 4. c. 64. s. 10. r. 17

10. The Name, Age, Height, Weight, Features, and general Appearance of a Criminal Prisoner shall, upon his Admission, be noted in a Nominal Record of Prisoners, to be kept by the Gaoler, who shall enter it in a separate Column of the Nominal Record. He shall also, as soon as possible, be examined by the Surgeon, who shall enter in a separate Column of the Nominal Record any Observations he may deem it expedient to add.

Removal and Discharge of Prisoners. 4 G. 4. c. 64. s. 10. r. 17.

11. All Prisoners, previously to being removed to any other Prison or being discharged from Prison, shall be examined by the Surgeon; and no Prisoner shall be removed unless the Surgeon certifies, by an Entry in the Nominal Record, that the Prisoner is free from any Illness that renders him unfit for Removal; and no Prisoner shall be discharged from Prison if labouring under any acute or dangerous Distemper, nor until, in the Opinion of the Surgeon, such Discharge is safe, unless such Prisoner require to be discharged.

Discharge of Prisoners.

12. Before any Criminal Prisoner under the Age of Sixteen Years is discharged, the Gaoler shall inform some of his Relatives and Friends (if he can ascertain their Names and Residence) on what Day and at what Time the Prisoner will be discharged, that they may have the Opportunity of attending to receive him.

Separation of Prisoners.

13. No Prisoner before Trial shall be placed with a Convicted Prisoner.

Separate Cells for Witnesses.

14. In a Prison where Criminal Prisoners are confined, separate Cells apart from all other Prisoners shall be provided for Prisoners intended to be examined as Witnesses on behalf of the Crown.

Rules as to Female Prisoners.

15. Female Prisoners shall be searched on Admission by Female Officers. In other respects the same Course shall be pursued in reference to the Admission, Removal, or Discharge of a Female Prisoner as in the Case of a Male Prisoner; the Matron performing the Duties imposed on the Gaoler in Case of a Male Prisoner.

Food, Clothing, and Bedding of Prisoners.

Rule as to Spirituous Liquors. 4 G. 4. c. 64. s. 10. r. 21. 2 & 3 Vict. c. 56. s. 6. r. 5.

16. No Tap shall be kept in any Prison; nor shall Spirituous Liquors of any kind be admitted for the Use of any of the Prisoners therein, under any Pretence whatever, unless by a written Order of the Surgeon, specifying the Quantity to be admitted, and the Name of the Prisoner for whose Use it is intended.

Prohibition of Smoking. 2 & 3 Vict. c. 56. s. 6. r. 5.

17. No Smoking shall be allowed, or Tobacco introduced, except by and for the Use of Debtors, with the Consent and subject to the Rules made by the Visiting Justices, or under a written Order of the Surgeon.

Entry of Order of Surgeon. 2 & 3 Vict. c. 56. s. 6. r. 5.

18. Any Order by the Surgeon for the Admission of Spirituous Liquors or Tobacco shall be entered by him in his Journal.

Debtor may maintain himself.

19. A Debtor shall be permitted to maintain himself, and to procure or receive at proper Hours Food, Wine, Malt Liquor, Clothing, Bedding, or other Necessaries, but subject to Examination, and to such Rules as may be approved by the Visiting Justices, for the Purpose of preventing Extravagance or Excess.

Food of Debtors not to be sold, &c.

20. No Part of any Food, Wine, Malt Liquor, Clothing, Bedding, or other Necessaries belonging to any Debtor shall be sold to any other Prisoner; and any Debtor transgressing this Rule shall lose the Privilege of receiving or purchasing any Wine or Malt Liquor for such a Time as the Visiting Justices may deem proper.

Prison Allowance, &c.

21. A Debtor, if unable to provide himself with sufficient Food, Clothing, Bedding, or other Necessaries shall receive the Allowance of Food, Clothing, Bedding, or other Necessaries allotted to Debtors unable to maintain themselves by the Prison Rules for the Time being in force, or such Proportion thereof as he may require in addition to what he has provided for himself.

22. A Cri-

Prisoners before Trial may maintain themselves. 4 G. 4. c. 64. s. 10. r. 14.

22. A Criminal Prisoner before Trial may procure for himself, or receive at proper Hours, Food, and Malt Liquor, not exceeding One Pint, in any One Day of Twenty-four Hours, Clothing, Bedding, or other Necessaries, subject to Examination, and to such Rules as may be approved by the Visiting Justices for the Purpose of preventing Extravagance or Excess; and any Articles so procured may be paid for out of the Monies belonging to such Prisoner in the Hands of the Gaoler. No Part of such Food, Malt Liquor, Bedding, Clothing, or other Necessaries shall be sold to any other Prisoner; and any Prisoner transgressing this Rule shall be prohibited from procuring any Food or other Necessaries for such Time as the Visiting Justices may deem proper. If a Criminal Prisoner does not procure for himself a Sufficiency of Food, he shall receive, either wholly or partially, as the Case may require, the Allowance of Food allotted to Criminal Prisoners before Trial by the Rules of the Prison.

Prison Dress of Criminal Prisoners before Trial.

23. Criminal Prisoners before Trial may, if they desire it, wear the Prison Dress, and they shall be required to do so if their own Clothes are insufficient, or unfit for Use, or necessary to be preserved for the Purposes of Justice. The Prison Dress for Prisoners before Trial shall be of a different Colour from that of convicted Prisoners.

Food, Bedding, and Health. Prison Allowance. 4 G. 4. c. 64. s. 10. r. 13.

24. Every convicted Criminal Prisoner shall be allowed a sufficient Quantity of Food according to the Scale established by the Rules of the Prison. Prisoners under the Care of the Surgeon shall be allowed such Diet as he may direct. Care shall be taken that all Provisions supplied to the Prisoners be of proper Quality and Weight. Scales and legal Weights and Measures shall be provided, open to the Use of any Prisoners, under such Restrictions as may be made by the Prison Rules.

Wine, Beer, &c. prohibited. No Food allowed except Prison Allowance. 4 G. 4. c. 64. s. 10. r. 15.

25. No convicted Criminal Prisoner shall be allowed any Wine, Beer, or other fermented Liquor, except under a written Order from the Surgeon, to be entered in his Journal, specifying the Quantity to be admitted, and the Name of the Prisoner for whose Use it is intended, or receive any Food, Clothing, Bedding, or Necessaries other than the Prison Allowance, except under special Circumstances, to be judged of by One or more of the Visiting Justices, and to be reported to the Prison Authority.

Clothing of convicted Criminals. 4 G. 4. c. 64. s. 10. r. 17.

26. A convicted Criminal Prisoner shall be provided with a complete Prison Dress, and shall be required to wear it, but such Dress shall be plain, except in the Case of Prisoners convicted of Felony, when it may be particoloured if so required by the Rules of the Prison.

Return of Clothing.

27. On the Discharge of a Prisoner his own Clothes shall be returned to him unless it has been found necessary to destroy them, in which Case he shall be provided with new Clothing.

Fumigation of Clothing.

28. If necessary, the Clothes of a Prisoner shall be fumigated and purified before he is allowed to wear them in the Prison or to take them on his Discharge.

Beds. 4 G. 4. c. 64. s. 10. r. 18.

29. Every Male Prisoner shall sleep in a Cell by himself, or until separate Cells are provided as required by Law in a separate Bed placed in a Cell containing not fewer than Two other Male Prisoners, and sufficient Bed Clothes shall be provided for every Prisoner. A convicted Criminal Prisoner may be required to sleep on a Guard Bed during such Time as may be determined by the Rules of the Prison. Epileptic Prisoners, or Prisoners labouring under

Diseases requiring Assistance in the Night, may at any Time, notwithstanding this Regulation, be placed by Order of the Surgeon in a Cell with not fewer than Two other Male Prisoners.

Bedding.

30. The Bed Clothes shall be well aired every Day, and when the Weather permits in the open Air. In the Case of Sick Prisoners they shall be changed and washed as often as the Surgeon, and in other Cases as often as the Visiting Justices, may direct. The Sheets which have been used by One Prisoner shall not be transferred to another until they have been washed.

Personal Cleanliness.

Personal Cleanliness of Prisoners. 4 G. 4. c. 64. s. 10. r. 19.

31. Prisoners shall be supplied with a sufficient Quantity of Soap, Towels, and Combs, and shall be required to keep themselves clean and decent in their Persons, and to conform to such Rules for that Purpose as the Gaoler may lay down; but no Prisoner shall be stripped or bathed in the Presence of any other Prisoner.

Hair-cutting.

32. The Hair of a Female Prisoner shall not be cut, except on account of Vermin or Dirt, or when the Surgeon deems it requisite on the Ground of Health, and the Hair of Male Criminal Prisoners shall not be cut closer than may be necessary for Purposes of Health and Cleanliness. Male convicted Criminal Prisoners shall be shaved as required by the Visiting Justices.

Employment of Prisoners.

Prohibition of Gaming. 4 G. 4. c. 64. s. 10. r. 22.

33. No Gaming shall be permitted in any Prison, and the Gaoler shall seize and destroy all Dice, Cards, or other Instruments of Gaming.

Work and Earnings.

34. Debtors may be permitted to work and follow their respective Trades and Professions, provided their Employment does not interfere with the good Government of the Prison; and such Debtors as find their own Implements, and are not maintained at the Expense of the Prison, shall be allowed to receive the whole of their Earnings; but the Earnings of such as are furnished with Implements, or are maintained at the Expense of the Prison, shall be subject to a moderate Deduction, to be determined by the Visiting Justices, for the Use of Implements and the Cost of Maintenance.

Employment of Prisoners before Trial. 5 G. 4. c. 85. s. 16.

35. Criminal Prisoners before Trial shall have the Option of Employment, but shall not be compelled to work by Deprivation or Threat of Deprivation of any Prison or other Allowance.

Allowance out of their Earnings. 2 & 3 Vict. c. 56. s. 8.

36. On the Acquittal of any Criminal Prisoner, or when no Bill of Indictment is found against him, such an Allowance out of his Earnings shall be paid to such Prisoner on his Discharge as the Visiting Justices may think reasonable.

Prisoners beforeTrial not to be put to Hard Labour. 4 G. 4. c. 64. s. 37.

37. No Prisoner before Trial shall, either with or without his Consent, be employed at Hard Labour; and no Prisoner shall at any Time be employed at making or repairing any Article for or on behalf of any Officer of the Prison or any other Prisoner.

Rules as to Hard Labour. 4 G. 4. c. 64. s. 10. r. 8.

38. Subject as herein-after mentioned, Prisoners sentenced to Hard Labour shall work at Hard Labour for such Number of Hours on each Working Day as may be fixed by the Visiting Justices, within the following Limits, viz., that in no Case shall a Prisoner be kept to Hard Labour for more than Ten Hours exclusive of Meals in any Day, and that in no Case shall he be kept during any Working Day at Hard Labour for less than Six Hours during the First Six Months of his Imprisonment, or during the Remainder of

of his Imprisonment for less than the same Number of Hours, except in pursuance of Rules made by the Visiting Justices, with reference to the good Conduct of the Prisoner.

Restrictions as to Hard Labour. 4 G. 4. c. 64. s. 10. r. 8.

39. No Female Prisoner, no Boy under Fourteen Years of Age, no Prisoner not sentenced to Hard Labour, and no Prisoner sentenced to Hard Labour, without the previous Sanction of the Surgeon, shall be under any Circumstances put to Hard Labour; and no Prisoner shall be employed at Hard Labour on Sundays, Christmas Day, Good Friday, and Days appointed for public Fasts and Thanksgivings.

Employment of Prisoners not sentenced to Hard Labour.

40. Provision shall be made for the Employment of all convicted Criminal Prisoners not sentenced to Hard Labour, and Instruction provided for them in such Employment, at the Discretion of the Visiting Justices, who shall make Rules as to the Amount and Nature of such Employment; but no such Prisoner shall be tasked at such Employment, or shall be punished for Neglect of Work, excepting by such Alteration in the Scale of Diet as may be established by the Rules of the Prison in the Case of Neglect of Work by such Prisoners.

Examination by Surgeon.

41. The Surgeon shall from Time to time examine the Prisoners sentenced to Hard Labour during the Time of their being so employed, and shall enter in his Journal herein-after mentioned the Name of any Prisoner whose Health he thinks to be endangered by a Continuance at Hard Labour, and thereupon such Prisoner shall not again be employed at Hard Labour until the Surgeon certifies that he is fit for such Employment.

Health of Prisoners.

Air and Exercise of Debtors.

42. Debtors shall have the Means of daily taking Exercise in the open Air.

Airing of Prisoners in separate Confinement.

43. Prisoners in Solitary Confinement and Prisoners in Separate Confinement, if employed at Work in their own Cells, shall be permitted to take such Exercise in the open Air as the Surgeon may deem necessary for the Preservation of their Health.

Names of such Prisoners to be reported.

44. The Names of the Prisoners who desire to see the Surgeon, or appear out of Health, shall be reported by the Officer attending them to the Gaoler, and by him without Delay to the Surgeon.

Weight of Prisoner.

45. Every Criminal Prisoner shall be weighed once in every Month and on his Discharge, and a Record of his Weight entered in the Nominal Record of Prisoners to be kept by the Gaoler.

Directions as to Health to be entered in a Book.

46. All Directions given by the Surgeon in relation to any Prisoner, with the Exception of Orders for the Supply of Medicines or Directions in relation to such Matters as are carried into effect by the Surgeon himself or under his Superintendence, shall be entered Day by Day in his Journal, which shall be so arranged as to have a separate Column in which Entries are to be made by the Gaoler, stating in respect of each Direction the Fact of its having been or not having been complied with, accompanied by such Observations, if any, as the Gaoler may think fit to make, and the Date of the Entry.

Religious Instruction.

Reading of Prayers. 4 G. 4. c. 64. s. 10. r. 9.

47. Prayers to be selected by the Chaplain from the Liturgy of the Established Church, shall be read every Morning by the Chaplain, Gaoler, or such other Person as may be appointed by the Visiting Justices, and Portions of the Scriptures shall be read to the Prisoners, when assembled for Religious Instruction, by the Chaplain, or by such Person as he may appoint. 4 G. 4. c. 64. s. 30.

 48. The

Performance of Divine Service.

48. The Chaplain shall on every Sunday, and on Christmas Day and Good Friday, perform the appointed Morning and Evening Services of the Established Church, and preach at such Time or Times as shall be fixed by him with the Approval of the Visiting Justices. He shall give Religious Instruction to the Prisoners who are willing to receive it. He shall administer the Holy Sacrament of the Lord's Supper on suitable Occasions to such Prisoners as shall be desirous, and as he may deem to be in a proper Frame of Mimd to receive the same. He shall frequently visit every Room and Cell of the Prison occupied by Prisoners, and shall direct such Books to be distributed and read and such Lessons to be taught in the Prison as he may deem proper for the Religious Instruction of the Prisoners. Criminal Prisoners shall attend Divine Service on Sundays, and on other Days when such Service is performed, unless prevented by Illness or other reasonable Cause, to be allowed by the Gaoler, or unless their Attendance is dispensed with by the Visiting Justices: This Regulation shall not apply to any Prisoner who is attended or visited by a Minister of a Church or Persuasion differing from the Established Church, except when the Visits of any such Minister shall have been discontinued for a Period of Fourteen Days: And no Prisoner shall be compelled to attend any Religous Service held orperformed, or any Religious Instruction given, by the Chaplain, Minister, or Religious Instructor of a Church or Persuasion to which the Prisoner does not belong.

4 G. 4. c. 64. s. 10. r. 11. 26 & 27 Vict. c. 79. s. 5.

Ministers to visit Prisoners under certain Restrictions.

49. If any Prisoner is of a Religious Persuasion differing from that of the Established Church, a Minister of such Persuasion shall, at the Request of such Prisoner, or, if the Visiting Justices think fit, without such Request, but not against the Will of such Prisonér, be allowed to visit him at reasonable Times, under such Restrictions as may be imposed by the Visiting Justices to guard against the Introduction of improper Persons and prevent improper Communications.

4 G. 4. c. 64. s. 31. 25 & 26 Vict. c. 79. s. 3.

Books and Printed Papers.

50. No Books or Printed Papers shall be admitted into any Prison for the Use of the Prisoners, except by Permission of the Visiting Justices; and no Books or Printed Papers intended for the Religious Instruction of Prisoners belonging to the Established Church shall be admitted but those chosen by the Chaplain; provided that in case there may be a Difference of Opinion between the Chaplain and Visiting Justices with respect to Books or Papers proposed to be admitted for the Religious Instruction of a Prisoner belonging to the Established Church, Reference shall be had to the Bishop of the Diocese, whose Decision shall be final; and no Books or Printed Papers shall be admitted into any Prison for the Religious Instruction of Prisoners belonging to any other Persuasion, and who are visited by a Minister of such Persuasion, but those that are chosen by the Minister; and the Gaoler shall keep a Catalogue of all Books and Printed Papers admitted into the Prison.

2 & 3 Vict. c. 56. s. 6. r. 8.

Chaplain to communicate Abuses to Visiting Justices.

51. The Chaplain shall from Time to Time communicate to the Visiting Justices any Abuse in the Prison, or Impropriety in the Conduct of the Officer thereof that may come to his Knowledge.

4 G. 4. c. 64. s. 30.

Assistant Chaplain and Chaplain Substitute.

52. Where an Assistant Chaplain is appointed to a Prison, he shall be legally competent to perform any Duty required by Law to be performed by the Chaplain, and when one of them, the Chaplain or Assistant Chaplain, is absent from the Prison, the other shall take all his Duties. Under ordinary Circumstances, an Arrangement shall be made between them, with the Sanction of the Visiting Justices, as to an equable Distribution of their Duties, the Assistant Chaplain being deemed subordinate to the Chaplain. Where there is no Assistant Chaplain, or in case of his Services not being available by reason of

of Sickness or other unavoidable Cause, the Chaplain shall, when absent from the Prison on Leave or Sickness or necessary Engagement, appoint, with the Consent of the Visiting Justices, a Substitute, and insert his Name and Residence in his Journal. In the event of sudden Illness, or other sudden Cause preventing the Chaplain from performing his Duties, he may accept the Assistance of a Clergyman of the Established Church in the Performance of Divine Service in the Chapel, inserting the Fact, and the Name of such Clergyman, in his Annual Report.

Instruction.

Instruction of Prisoners. 4 G. 4. c. 64. s. 10. r. 10.

53. Provision shall be made in every Prison for the Instruction of Prisoners in Reading and Writing, during such Hours and to such Extent as to the Visiting Justices may seem expedient.

Visits to and Communications with Prisoners.

Visits to Prisoners. 4 G. 4. c. 64. s. 10. r. 16.

54. Debtors and Criminal Prisoners, before Trial, may communicate with their Legal Advisers alone, and with their Friends, subject to such Restrictions as may be imposed by the Visiting Justices. The Correspondence of all Prisoners shall be subject to Inspection, and to such other Restrictions as the said Justices think necessary. Visits to convicted Criminal Prisoners shall not be allowed, except under such Circumstances and upon such Conditions as the said Justices think expedient with a view to the Maintenance of good Order and Discipline in the Prison.

Gaoler may demand the Names of Visitors.

55. The Gaoler may demand the Name and Address of any Visitor to a Prisoner; and, when he has any Ground for Suspicion, may search or cause to be searched Male Visitors, and may direct the Matron or some other Female Officer to search Female Visitors; such Search not to be in the Presence of any Prisoner or of another Visitor; and in case of any Visitor refusing to be searched, the Gaoler may deny him Admission; the Grounds of such Proceeding, with the Particulars thereof, to be entered in his Journal.

Prison Offences.

Award of Punishment.

56. No Punishments or Privations of any kind shall be awarded, except by the Gaoler, or by a Visiting or other Justice.

Power of Gaoler to punish for Prison Offences. 4 G. 4. c. 64. s. 41.

57. The Gaoler shall have Power to hear Complaints respecting any of the Offences following; that is to say,

1. Disobedience of the Regulations of the Prison by any Prisoner;
2. Common Assaults by one Prisoner on another;
3. Profane cursing and swearing by any Prisoner;
4. Indecent Behaviour by any Prisoner;
5. Irreverent Behaviour at Chapel by any Prisoner;
6. Absence from Chapel without Leave by any Criminal Prisoner;
7. Idleness or Negligence at Work by any convicted Criminal Prisoner;
8. Wilful Mismanagement of Work by any convicted Criminal Prisoner.

All the above Acts are declared to be Offences against Prison Discipline; and it shall be lawful for the Gaoler to examine any Person touching such Offences, and to determine thereupon, and to punish such Offences by ordering any Offender, for any Time not exceeding Three Days, to close Confinement, to be kept there upon Bread and Water. But it shall be the Duty of the Gaoler to enter in his Journal a Statement of the Nature of any Offence that he has punished in pursuance of this Regulation, with the Addition of the Name of the Offender, the Date of the Offence, and the Amount of Punishment inflicted.

Punishment of Prisoners by Visiting Justices. 4 G. 4. c. 64. s. 42.

58. If any Criminal Prisoner is guilty of any repeated Offence against Prison Discipline, or is guilty of any greater Offence than the Gaoler is by this Act empowered to punish, the Gaoler shall forthwith report the same to the Visiting Justices, or One of them, for the Time being; and any One of such Justices, or any other Justice having Jurisdiction in the Place to which the Prison belongs, shall have Power to enquire upon Oath and to determine concerning any Matter so reported to him or them, and to order the Offender to be punished by Close Confinement for any Term not exceeding One Week, or, in the Case of Prisoners convicted of Felony or sentenced to Hard Labour, by personal Correction.

Use of Irons. 4 G. 4. c. 64. s. 10. r. 12. 2 & 3 Vict. c. 56. s. 6. r. 6.

59. No Prisoner shall be put in Irons by the Gaoler of any Prison, except in case of urgent Necessity; and the Particulars of every such Case shall be forthwith entered in the Gaoler's Journal, and Notice forthwith given thereof to One of the Visiting Justices; and no Prisoner shall be kept in Irons for more than Twenty-four Hours without an Order in Writing from a Visiting Justice, specifying the Cause thereof, and the Time during which the Prisoner is to be kept in Irons, which Order shall be preserved by the Gaoler as his Warrant.

Gaoler and Surgeon to attend Corporal Punishments.

60. All Corporal Punishments within the Prison shall be attended by the Gaoler and the Surgeon. The Surgeon shall give such Orders for preventing Injury to Health as he may deem necessary, and it shall be the Duty of the Gaoler to carry them into effect, and the Gaoler shall enter in his Journal the Hour at which the Punishment is inflicted, the Number of Lashes, and any Orders which the Surgeon may have given on the Occasion.

Prisoners under Sentence of Death.

Prisoners under Sentence of Death.

61. Every Prisoner under Warrant or Order for Execution shall, immediately on his Arrival in the Prison after Sentence, be searched by or by the Orders of the Gaoler, and all Articles shall be taken from him which the Gaoler deems dangerous or inexpedient to leave in his Possession. He shall be confined in a Cell apart from all other Prisoners, and shall be placed by Day and by Night under the constant Charge of an Officer. He shall be allowed such a Dietary and Amount of Exercise as the Visiting Justices may direct. The Chaplain shall have free Access to every such Prisoner, unless the Prisoner be of a Religious Persuasion differing from that of the Established Church, and be visited by a Minister of such Persuasion, in which Case the Minister of such Persuasion shall have free Access to him. With the above Exceptions, no Person, not being an Officer of the Prison, shall have Access to the Prisoner, except in pursuance of an Order from a Visiting Justice. The Visiting Justices shall make Rules as to the Conditions on which all Persons are to be admitted to see Prisoners under Sentence of Death, and such Conditions shall apply and be binding on all Persons whatever who are not Prison Officers.

During the Preparation for an Execution, and the Execution itself, no Person shall enter the Prison who is not legally entitled to do so.

Prison Officers.

Prisoners not to be employed. 2 & 3 Vict. c. 56. s. 6. r. 4.

62. No Prisoner shall be employed as Turnkey, Assistant Turnkey, Wardsman, Yardsman, Overseer, Monitor, or Schoolmaster, or in the Discipline of the Prison, or in the Service of any Officer thereof, or in the Service or Instruction of any other Prisoner. But this Rule shall not be taken to prevent the Employment of any Debtor in that Part of the Prison in which he or she may

may be lawfully confined in any Manner in which he may be willing to be employed, and which is consistent with his safe Custody.

Prison Officers to be Constables.

63. Every Prison Officer shall, for the Purpose of enforcing Order in a Prison, and for compelling Obedience to the Rules of a Prison, have, by virtue of his Appointment, and without being sworn in before any Justice, all such Powers, Authorities, and Privileges as any Constable duly appointed has within his Bailiwick by Common Law, Statute, or Custom.

Officers not to sell or let to Prisoners. 4 G. 4. c. 64. s. 10. r. 1. 2 & 3 Vict. c. 56. s. 6. r. 1.

64. No Officer of a Prison shall sell or let to, nor shall any Person in trust for or employed by him sell or let to, or derive any Benefit from the selling or letting of any Article to any Prisoner.

Officers not to contract. 4 G. 4. c. 64. s. 10. r. 1.

65. No Officer of a Prison shall, nor shall any Person in trust for or employed by him, have any Interest, direct or indirect, in any Contract for the Supply of the Prison.

Officers not to take Gratuity.

66. No Officer of a Prison shall at any Time receive Money, Fee, or Gratuity of any Kind, for the Admission of any Visitors to the Prison or to Prisoners.

Females to be attended by Female Officers. 4 G. 4. c. 64. s. 10. r. 7.

67. Female Prisoners shall, in all Cases, be attended by Female Officers.

Gaoler.

Residence of Gaoler. 4 G. 4. c. 64. s. 1. r. 1.

68. The Gaoler shall reside in the Prison. He shall not be an Under Sheriff or Bailiff, or be concerned in any other Employment.

Gaoler to acquaint himself with Prison Law and Rules.

69. The Gaoler shall acquaint himself with the Law relating to Prisons and with the Prison Rules, and shall strictly adhere to them himself, and be responsible for the due Observance of them by others. He shall observe the Conduct of his subordinate Officers, and enforce on each of them the due Execution of their Duties, and shall not permit any of them to be employed in any private Capacity, either for himself or any other Officer of the Prison, or for any Prisoner.

Gaoler's Conduct to Prisoners.

70. The Gaoler shall exercise his Authority with Firmness, Temper, and Humanity, abstain from all irritating Language, and shall not strike a Prisoner. He shall enforce similar Conduct on the subordinate Officers, and he shall at all Times be ready to receive any Complaint or Application of a Prisoner.

Gaoler may suspend subordinate Officers.

71. The Gaoler shall, in case of Misconduct, have Power to suspend any subordinate Officer, but shall report the Particulars without Delay to a Visiting Justice.

Gaoler to inspect the Prison daily. 4 G. 4. c. 64. s. 10. art. 3., 2 & 3 Vict. c. 56. s. 6. art. 2.

72. The Gaoler shall, as far as practicable, visit the whole of the Prison, and see every Male Prisoner once at least in every Twenty-four Hours, and in default of such daily Visits and Inspections he shall state in his Journal how far he has omitted them, and the Cause thereof. He shall, at least once during the Week, go through the Prison at an uncertain Hour of the Night, which Visit, with the Hour and State of the Prison at the Time, he shall record in his Journal. When visiting the Females' Prison he shall be attended by the Matron or some other Female Officer.

Rules relating to Prisoners to be fixed up in conspicuous Places.

73. The Gaoler shall cause Copies or Abstracts of the Rules relating to the Treatment and Conduct of Prisoners, with the Prison Dietaries, (printed in legible Characters,) to be posted in each Cell and in conspicuous Parts of the Prison, so that every Prisoner may have Access thereto; and shall read or

Introduction of Spirits and other forbidden Articles.

cause to be read such Rules to every Prisoner who cannot read, within Twenty-four Hours after his Admission.

74. The Gaoler shall cause a Notice Board to be affixed in some conspicuous Place, at or near the Entrance of the Prison, cautioning Persons from bringing Spirits, fermented Liquor, Tobacco, or other prohibited Articles into the Prison, and stating their Liability to Penalties for so doing.

To direct the Attention of Surgeon to particular Prisoners.

75. The Gaoler shall without Delay call the Attention of the Surgeon to any Prisoner whose State of Mind or Body appears to require Attention; and shall carry into effect the written Directions of the Surgeon respecting Alterations of the Discipline or Treatment of any such Prisoner.

To carry into effect Directions of Surgeon in certain Cases as to Discipline.

To deliver Lists of Prisoners to Chaplain and Surgeon.

76. The Gaoler shall notify to the Surgeon without Delay the Illness of any Prisoner; and shall deliver to him daily a List of such Prisoners as complain of Illness, or are removed to the Infirmary, or confined to their Cells by Illness; and he shall daily deliver to the Chaplain and Surgeon Lists of such Prisoners as are placed in solitary or close Confinement.

Death of Prisoners. 4 G. 4. c. 64. s. 30.

77. Upon the Death of a Prisoner the Gaoler shall give immediate Notice thereof to the Coroner of the District, and to One of the Visiting Justices and to the Inspector of Prisons of the District, as well as to the nearest Relative of the Deceased, where practicable.

Removal of Insane Prisoners.

78. The Gaoler shall without Delay report to the Visiting Justices any Case of Insanity occurring among the Prisoners, in order that Measures may be taken for his Removal as speedily as the Law will allow.

Journal and Accounts of Gaoler. 4 G. 4. c. 64. s. 10. r. 4.

79. The Gaolor shall keep the following Books and Accounts:—

First, A Journal in which he shall record all such Matters as he is directed to record therein by this Act, and all other Occurrences of Importance within the Prison.

Second, A Nominal List of all Prisoners committed to his Charge, in such Form as may be directed by the Visiting Justices, and with sufficient Space for the Entries by this Act directed to be made therein by the Surgeon.

Third, List of Books and Documents committed to his Care.

Fourth, An Inventory of all the Furniture and movable Property belonging to the Prison.

Fifth, An Account of all Prison Receipts and Disbursements.

Sixth, The Prisoners Property Book.

Seventh, A Record of the Employment of Prisoners sentenced to Hard Labour, and the Manner in which they have been so employed.

To be responsible for safe Custody of Journals and other Documents.

80. The Gaoler shall be responsible for the safe Custody of the Journals, Registers, Account Books, Commitments, and all other Documents confided to his Care.

Not to be absent without Leave.

81. The Gaoler shall not be absent from the Prison for a Night without Permission in Writing from a Visiting Justice; and his Leave of Absence, with the Name of the Visiting Justice granting it, shall be entered in his Journal; but if absent without Leave for a Night from unavoidable Necessity, he shall state the Fact and the Cause of it in his Journal.

Appointment of Deputy Gaoler. 2 & 3 Vict. c. 56. s. 57.

82. Where a Deputy Gaoler is appointed to a Prison he shall be legally competent to perform any Duty required by Law to be performed by the Gaoler, and when One of them the Gaoler or Deputy Gaoler is absent from the Prison the other shall take all his Duties. Under ordinary Circumstances an Arrangement

ment shall be made between them, with the Sanction of the Visiting Justices, as to an equable Distribution of their Duties, the Deputy Gaoler being made subordinate to the Gaoler. Where there is no Deputy Gaoler, or in case of his Services not being available by reason of Sickness or other unavoidable Cause, the Gaoler shall, when absent from the Prison on Leave, appoint, with the Consent of the Visiting Justices, an Officer of the Prison to act as his Substitute, and during such Absence the Substitute so appointed shall have all the Powers and perform all the Duties of the Gaoler.

Matron.

General Duties. 4 G. 4. c. 64. s. 10. r. 2., 2 & 3 Vict. c. 56. s. 6. r. 3.

83. The Matron shall reside in the Prison. She shall have the Care and Superintendence of the whole Female Department. The Wards, Cells, and Yards where Females are confined shall be secured by Locks different from those securing the Wards, Cells, and Yards allotted to Male Prisoners, and the Keys o those Locks shall be kept in the Custody of the Matron.

Matron to inspect daily Female Prisons.

84. The Matron shall, so far as practicable, visit and inspect every Part of the Prison occupied by Females, and see every Female Prisoner once at least in every Twenty-four Hours, and in default of such daily Visits and Inspections she shall state in her Journal how far she has omitted them, and the Cause thereof. She shall, at least once during the Week, go through the Prison at an uncertain Hour of the Night, which Visit, with the Hour and State of the Prison at the Time, shall be recorded in her Journal.

Daily Report.

85. The Matron shall make a daily written Report to the Gaoler, at some stated Time fixed by him, of the general Condition and Conduct of her Department; of the Names of Female Prisoners in the Infirmary, or under Medical Treatment in their own Cells or Wards, and of such as are under Punishment; and she shall report to him without Delay the Names of such as require to see the Surgeon.

Not to be absent without Leave.

86. The Matron shall not be absent from the Prison for a Night without Permission in Writing from a Visiting Justice; and her Leave of absence, with the Name of the Visiting Justice granting it, shall be entered in her Journal; but if absent without Leave for a Night from unavoidable Necessity she shall state the Fact, and the Cause of it, in her Journal.

Absence of Matron.

87. The Matron shall, with the Approval of the Visiting Justices, appoint an Officer of the Prison to act as Deputy Matron whenever she is absent on Leave from the Prison; and during such Absence the Deputy Matron shall have all the Powers and Duties of the Matron. Before leaving the Prison the Matron shall personally give over the Charge of the Females Prison to the Deputy Matron.

Journal.

88. The Matron shall keep a Journal in which she shall record all Occurrences of Importance within her Department, Reports made by her to the Gaoler, and Punishments of Female Prisoners; and lay the Journal before the Gaoler daily, and before the Visiting Justices at their Ordinary Meetings.

To attend Male Officers and Visitors in their Visits to the Females Prison.

89. The Matron shall, unless unavoidably prevented, attend the Gaoler whenever he visits the Females Prison, and when so prevented some other Female Officer shall attend him; no Male Officer or Male Visitor shall enter the Females Prison unless accompanied by herself or by some other Female Officer.

To read Rules to Prisoners on Admission.

90. The Matron shall read or cause to be read such of the Rules as relate to the Treatment and Conduct of Prisoners to Female Prisoners who cannot read, within Twenty-four Hours after their Admission.

Admission of Visitors' to Prisoners.

91. The Matron shall state to the Gaoler any Doubt she may entertain of the Propriety of admitting any Visitor to a Female Prisoner, and follow his Directions thereon.

Subordinate Officers.

Male and Female.

Strictly to conform to Rules, and to obey the Gaoler.

92. All subordinate Officers shall strictly conform to the Rules of the Prison, obey the Directions of the Gaoler, and assist him in maintaining Order and Discipline.

Instruction Book.

93. The general and special Duties of each subordinate Officer shall be inserted in a Book to be kept by the Officer.

Report Book.

94. Every subordinate Officer shall be provided with a Book, in which he shall enter all Reports relating to the Condition of his Department and the Conduct of the Prisoners under his Charge, and shall lay the same before the Gaoler daily. All Matters requiring immediate Attention shall forthwith be reported verbally to the Gaoler as well as entered in the Report Book.

Names of sick Prisoners to be reported.

95. All subordinate Officers shall, without Delay, report to the Gaoler the Names of the Prisoners who desire to see the Surgeon, or appear out of Health; or who desire to see the Gaoler, the Chaplain, or the Visiting Justices.

Absence.

96. Subordinate Officers shall not be absent from the Prison without Leave from the Gaoler. On going they shall leave their Keys, Instruction Book, and Report Book in the Gaoler's Office.

Visitors to subordinate Officers.

97. Subordinate Officers shall not be permitted to receive any Visitors within the Prison without Permission of the Gaoler.

To examine Cells, Locks, &c.

98. All subordinate Officers shall frequently examine the State of the Cells, Bedding, Locks, Bolts, &c., and shall seize all prohibited Articles, and deliver them to the Gaoler forthwith.

Gate Porter.

Duties of Gate Porter.

99. The Gate Porter may examine all Articles carried in or out of the Prison, and may stop any Person suspected of bringing in Spirits or other prohibited Articles into the Prison, or of carrying out any Property belonging to the Prison, giving immediate Notice thereof to the Gaoler.

Surgeon.

Visits. 4 G. 4. c. 64. s. 33.

Daily to see the Sick.

100. The Surgeon shall visit the Prison at least twice in every Week. He shall daily visit the Prisoners in Solitary or Close Confinement; once in each Week he shall see every Prisoner; and once in each Month he shall, in the Presence of the Gaoler or Matron, as the Case may be, make Enquiry as to every Prisoner's Health. He shall see daily, and oftener if necessary, such of the Prisoners as are sick, and, when necessary, shall direct any Prisoner to be removed to the Infirmary. Enter Day by Day in his Journal, for the Information of the Gaoler, any Case that may arise for varying the Diet or Treatment of Prisoners not removed to the Infirmary.

To make daily Record respecting sick Prisoners. 2 & 3 Vict. c. 56. s. 6. r. 5.

101. The Surgeon shall enter, in the English Language, Day by Day, in his Journal to be kept in the Prison, an Account of the State of every sick Prisoner, the Name of his Disease, a Description of the Medicines and Diet, and any other Treatment which he may order for such Prisoner.

102. The

Occasionally to inspect every Part of Prison, &c.

102. The Surgeon shall, once at least in every Three Months, inspect every Part of the Prison, and enter in his Journal the Result of each Inspection, recording any Want of Cleanliness, Drainage, Warmth, or Ventilation; any bad Quality of the Provisions, any Insufficiency of Clothing or Bedding, any Deficiency in the Quantity or Defect in the Quality of the Water, or any other Cause which may affect the Health of the Prisoners.

To give Directions in special Cases respecting Discipline, &c.

103. Whenever the Surgeon has Reason to believe that the Mind of a Prisoner is likely to be injuriously affected by the Discipline or Treatment, he shall report the Case in Writing to the Gaoler, together with such Directions as he may think proper; and he shall call the Attention of the Chaplain to any Prisoner whose State of Mind appears to require his special Notice.

To call in additional Medical Aid.

104. The Surgeon shall, in any Case of Danger or Difficulty which appears to him to require it, call in additional Medical Assistance; and no serious Operation shall be performed without a previous Consultation being held with another Medical Practitioner, except under Circumstances not admitting of Delay; such Circumstances to be recorded in his Journal.

Death of a Prisoner.

105. The Surgeon shall, forthwith on the Death of any Prisoner, insert the Fact of that Death in his Journal, and deliver to the Visiting Justices a written Report containing the following Particulars; viz., at what Time the Deceased was taken ill, when the Fact was first communicated to him, when the Complaint assumed a dangerous Character, when the Prisoner died, and an Account of the Appearances after Death (in Cases where post mortem Examination is made).

Substitute.

106. In case of Sickness, necessary Engagement, or Leave of Absence, to be given by the Visiting Justices, the Surgeon shall appoint a Substitute, to be approved of by One or more of the Visiting Justices. The Name and Residence of the Substitute shall be entered in his Journal.

Reports.

To transmit List of Prisoners to Secretary of State. 4 G. 4. c. 64. s. 20.

107. On the the Second Day after the Termination of every Assize or Court of Quarter Sessions the Gaoler shall transmit by Post to One of Her Majesty's Principal Secretaries of State a Calendar containing the Names, Crimes, and Sentences of every Prisoner tried at such Assize or Sessions in such Form and containing such Particulars as may be required by the Secretary of State; and whenever the Court of Sessions adjourns for any longer Time than One Week, the Day upon which the Adjournment is made shall be deemed the Termination of the Session within the Meaning of this Regulation; and every Gaoler of any such Prison who neglects or refuses to transmit such Calendar, or wilfully transmits a Calendar containing any false or imperfect Statement, shall for every such Offence forfeit a Sum not exceeding Twenty Pounds, to be recovered summarily.

To attend Sessions, and make Report. 4 G. 4. c. 64. ss. 14, 21.

108. The Gaoler of every Prison shall make a Report, in Writing, to the Justices in Sessions assembled at every Court of Sessions, of the Condition of the Prison, and of the Number and Description of the Prisoners confined therein, distinguishing between the Prisoners sentenced to Hard Labour and those not so sentenced, and containing full Particulars of the Manner in which Prisoners sentenced to Hard Labour have been employed, in such Form as

the said Justices may think expedient. He shall attend also at such Sessions to answer, on Oath if required, the Inquiries of the Justices with respect to the Condition of the Prison and of the Prisoners, and with respect to any other Matters relating thereto. He shall at the same Time present a Certificate, signed by himself, containing a Declaration how far the Requisitions of this Act with respect to the Separation of Prisoners and Enforcement of Hard Labour have been complied with, and shall point out any Deviation therefrom which has taken place since his last Report.

Journals and Reports. 4 G. 4. c. 64. s. 33.

109. The Journals of the Gaoler and Surgeon shall be laid before the Justices in Sessions assembled, at every Court of Sessions, and shall be signed by the Chairman of the Sessions in proof of the same having been there produced. The Chaplain shall once in the Year, and he may at any Time, deliver to the Justices in Sessions assembled a Statement of the Condition of the Prison to which he is attached, and his Observations thereon; and the Surgeon shall report to the Justices in Sessions assembled at every Court of Sessions the Condition of the Prison, and the State of Health of the Prisoners under his Care.

Report of Surgeon. 4 G. 4. c. 64. s. 30.

Book to be kept in which Visits of Chaplain, &c. shall be entered. 4 G. 4. c. 64. s. 34.

110. There shall be kept in every Prison a Book, in which the Chaplain and any other Officer of the Prison not residing within the Prison but attending on or required to attend on such Prison, shall regularly enter the Date of every Visit made to the Prison by such Officer; and every Entry shall be signed with the Name and be in the Handwriting of such Officer, and shall be laid before the Justices in Sessions assembled at every Court of Sessions, and shall be signed by the Chairman of the Sessions in proof of the same having been produced. The Gaoler of every Prison shall be responsible for the safe Custody of such Book, and shall at all Times, when required so to do, produce it for Inspection to the Visiting Justices, or to any Justice of the Peace for the County, Riding, Division, District, City, Town, or Place wherein the Prison may be situate.

Construction and Application of Schedule.

Definition of "Prison Rules."

111. The Expression "Prison Rules" throughout these Regulations shall mean Rules made by the Justices in Sessions assembled in manner provided by the Prisons Act, 1865, or by the Secretary of State in Cases where the said Secretary is empowered to make the same in default of their being made by the Justices.

Application of Regulations to Females.

112. The Regulations relating to Male Prisoners shall extend, so far as they are applicable, to Female Prisoners.

Misdemeanant of the First Division, and Prisoners for Contempt of Court.

113. Misdemeanants of the First Division, Witnesses committed for safe Custody or otherwise, and Persons committed for Contempt of the Superior Courts, shall, for the Purposes of the above Rules, be dealt with as if they were Debtors.

Prisoners committed for want of Sureties.

114. Prisoners committed for Want of Sureties, Prisoners committed for Contempt of the County Court, and Criminal Prisoners convicted, but not sentenced by reason of some Point of Law having been reserved on their Trial, shall be dealt with as Criminal Prisoners before Trial.

Prisoners not specified.

115. Prisoners not specified shall be dealt with in such Manner as the Visiting Justices may determine.

SCHE-

SCHEDULE II.

(*The Queen's Arms.*)

CERTIFICATE ROUTE and DESCRIPTION of DISCHARGED PRISONERS under "The Prisons Act, 1865."

CERTIFICATE.

Whereas by "The Prisons Act, 1865," Prisoners discharged from Prison may, upon Application to the Visiting Justices of such Prison become entitled to certain Allowances from the Overseers of the Poor of any Place through which they may pass on their Way to the Places of their Settlement under Authority of a Route or Certificate of Two such Visiting Justices:

And whereas corresponding in Appearance, and the Account he [*or* she] gives of himself [*or* herself], to the Description after mentioned, has come before us, Two of the Visiting Justices of the Prison at and is deemed by us to be a fit Object to receive the regulated Allowance under the said Act: This is to certify the same, and to require the Overseers of the Poor of the Places mentioned in the Route to issue to the said discharged Prisoner the Allowance specified in the said Route as regulated by the said Act of Parliament; provided that the discharged Prisoner produces the said Route himself [*or* herself], and that the Description corresponds with his [*or* her] Appearance, and agrees with the Account that he [*or* she] gives of himself [*or* herself], and the Number of Children he [*or* she] has with him [*or* her].

Given under our Hands and Seals this Day of .

Seal and Signature of the Justices.

This Pass to be in force for Days from the Date hereof.

Note.—To prevent Frauds, Parish Officers are not to give the Allowances granted by the aforesaid Act under the Authority of any other Form of Pass than this which is prescribed in the Schedule of the Act of Parliament aforesaid.

SCHEDULE III.

Prisons of	Legal Character of Prison.	County.
Aberystwith	Borough Prison	Cardigan.
Bradninch	„	Devon.
Faversham	„	Kent.
Helstone	„	Cornwall.
King's Lynn	„	Norfolk.
Lichfield	„	Stafford.
Maldon	„	Essex.
Newcastle-under-Lyme	„	Stafford.
Penzance	„	Cornwall.
Richmond	„	York.
Romney Marsh	Liberty	Kent.
Rye	Borough	Sussex.
South Molton	„	Devon.
Tenterden	„	Kent.

SCHEDULE IV.

PART I.

LIST OF ACTS REPEALED.

Date.	Title of Act.	Extent of Repeal.
4 Geo. 4. c. 64. -	An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.	The whole Act.
5 Geo. 4. c. 85. -	An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales.	The whole Act.
6 Geo. 4. c. 40. -	An Act to enable Justices of the Peace in England in certain Cases to borrow Money on Mortgage of the Rate of the City, Riding, or Place for which such Justices shall be then acting.	The whole Act.
7 Geo. 4. c. 18. -	An Act to authorize the Disposal of unnecessary Prisons in England.	The whole Act.
5 & 6 W. 4. c. 38.	An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain.	The whole Act, except secs. 7, 8, 9, and 10.
5 & 6 W. 4. c. 76.	An Act to provide for the Regulation of Municipal Corporations in England and Wales.	Secs. 115 and 116.
6 & 7 W. 4. c. 105.	An Act for the better Administration of Justice in certain Boroughs.	Secs. 1 and 2.
1 Vict. c. 78. -	An Act to amend an Act for the Regulation of Municipal Corporations in England and Wales.	Secs. 37 and 38.
2 & 3 Vict. c. 56.	An Act for the better ordering of Prisons	The whole Act.
3 & 4 Vict. c. 25.	An Act to amend the Act for the better ordering of Prisons.	The whole Act.
5 & 6 Vict. c. 98.	An Act to amend the Law relating to Prisons.	Secs. 4, 8, 9, 13, 25, and 30.
7 & 8 Vict. c. 50.	An Act to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons.	Sec. 4.

Date.	Title of Act.	Extent of Repeal.
7 & 8 Vict. c 93.	An Act to enable Barristers to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts.	The whole Act.
16 & 17 Vict. c. 43.	An Act for enabling the Justices of Counties to contract in certain Cases for the Maintenance and Confinement of convicted Prisoners in the Gaols of adjoining Counties.	The whole Act.
25 & 26 Vict. c. 44.	An Act to amend the Law relating to the giving of Aid to discharged Prisoners.	Secs. 2 and 3.

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3 & 4 *Vict. c.* 25. *s.* 2.

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In every Gaol, House of Correction, Bridewell, and Penitentiary in England and Wales, Prisoners convicted of Misdemeanors, and not sentenced to Hard Labour, shall be divided into at least Two Divisions, One of which shall be called the First Division, and separate Rules and Regulations shall be made for each Division, and whenever any Person convicted of Misdemeanor shall be sentenced to Imprisonment without Hard Labour it shall be lawful for the Court or Judge before whom such Person shall have been tried to order, if such Court or Judge shall think fit, that such Person shall be confined with the Prisoners of the said First Division, and no Prisoner respecting whom no such Order shall be made shall be confined with the Prisoners of the said First Division.

Prisons.

A

BILL

To consolidate and amend the Law relating to Prisons.

(*Prepared and brought in by Sir George Grey and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed,* 13 *February* 1865.

[Bill 15.]

Under 7 *ozs.*

be substituted for the Bill already delivered.

Prisons Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Consolidate and amend the Law relating to Prisons.

WHEREAS it is expedient to consolidate and amend the Law relating to Prisons in England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Prison Act, 1865." Short Title of Act.

2. This Act shall come into operation on the First Day of February One thousand eight hundred and sixty-six, which Day is herein-after referred to as the Commencement of the Act. Commencement of Act.

3. This Act shall not extend to Scotland or Ireland, and shall not apply to the Prisons for Convicts under the Superintendence of the Directors of Convict Prisons, or to any Military or Naval Prison. Application of Act.

Definitions:

4. In this Act, and in any Act applied or incorporated by this Act, the Expressions herein-after mentioned shall have the Meanings herein-after attached to them, unless there is something in the Tenor of the Act inconsistent with such Meanings; that is to say,

"Municipal Borough" and "Borough:"

"Municipal Borough" shall mean any Place for the Time being subject to the Municipal Corporation Act passed in the Session of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and any Acts amending the same, and "Borough" shall include "Municipal Borough:"

"Prison:"

"Prison" shall mean Gaol, House of Correction, Bridewell, or Penitentiary; it shall also include the Airing Grounds or other Grounds or Buildings occupied by Prison Officers for the Use of the Prison and contiguous thereto:

"Gaoler:"

"Gaoler" shall mean Governor, Keeper, or other Chief Officer of a Prison:

"Clerk of the Peace:"

"Clerk of the Peace" shall include any Officer performing similar Duties to those of a Clerk of the Peace:

"Treasurer:"

"Treasurer" shall include any Officer performing Duties similar to those of Treasurer:

"Quarter Sessions:"

"Quarter Sessions" shall include "General Sessions:"

"Criminal Prisoner."

"Criminal Prisoner" shall mean any Prisoner charged with or convicted of a Crime.

Description of "Prison Authorities."

5. The Persons herein-after named shall be Prison Authorities for the Purposes of this Act; that is to say,

4 G. 4. c. 64.

1. As respects any Prison belonging to any County, except as herein-after mentioned, or to any Riding, Division, Hundred, or Liberty of a County, having a separate Court of Quarter Sessions, the Justices in Quarter Sessions assembled:

5 G. 4. c. 12.

2. As respects any Prison belonging to a County divided into Ridings or Divisions, and maintained at the common Expense of such Ridings or Divisions, the Justices of the County assembled at a Court of Gaol Sessions held in manner provided by the Act of the Fifth Year of King George the Fourth, Chapter Twelve:

4 G. 4. c. 64. s. 13.

3. As respects any Prison belonging to the City of London, or the Liberties thereof, the Court of the Lord Mayor and Aldermen:

4. As respects any Prison belonging to a Municipal Borough, the Council of the Borough:

5. As respects any Prison belonging to any District, Liberty, City, Borough, or Town having a separate Prison Jurisdiction, and not herein-before mentioned, the Justices, Council, or other Persons having Power at Law to build, enlarge,

enlarge, or repair such Prison, assembled at any Gaol Session or other formal Meeting of their Body.

Description of "Justices in Sessions assembled."

6. The Expression "Justices in Sessions assembled" shall mean as follows; that is to say,

1. As respects any Prison belonging to any County, except as herein-after mentioned, or to any Riding, Division, Hundred, or Liberty of a County, having a separate Court of Quarter Sessions, the Justices in Quarter Sessions assembled:
2. As respects any Prison belonging to any County divided into Ridings or Divisions, and maintained at the common Expense of such Ridings or Divisions, the Justices of the County assembled at Gaol Sessions:
3. As respects any Prison belonging to the City of London, or the Liberties thereof, the Court of the Lord Mayor and Aldermen:
4. As respects any Prison belonging to any Municipal Borough, the Justices of the Borough assembled at Sessions to be held by them at the usual Time of holding Quarterly Sessions of the Peace, or at such other Time as they may appoint: 7 W. 4. & 1 Vict. c. 78. s. 38.
5. As respects any Prison belonging to any City, District, Borough, or Town having a separate Prison Jurisdiction, and not herein-before mentioned, the Justices or other Persons having Power at Law to make Rules for the Government of such Prison.

Contracts, &c. by Prison Authority in Counties.

7. The Provisions of the Act of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety-two, shall apply to all Contracts, Mortgages, or Conveyances entered into or executed in pursuance of this Act, by or on behalf of, or with the Justices of any County, Riding, Division, Hundred, or Liberty of a County in General or Quarter Sessions assembled; and in the Construction of that Act, the Expression "Justices in Quarter Sessions assembled" shall include the Justices of the County in Gaol Sessions assembled, in pursuance of the Act of the Fifth Year of King George the Fourth, Chapter Twelve, and shall also include the Bailiff and Justices of the Liberty of Romney Marsh, assembled at any Sessions or Meeting. And all Contracts, Mortgages, or Conveyances entered into or executed in pursuance of this Act, by or on behalf of, or with any other Prison Authority, shall be entered into and executed in manner in which such Instruments or Deeds are usually entered into by such Authority. 21 & 22 Vict. c. 92.

PART I.

The Maintenance and Government of Prisons.

Obligation to maintain Prisons.

Maintenance of Prisons by separate Prison Jurisdiction.
4 G. 4. c. 64. s. 2.
5 G. 4. c. 12.
5 G. 4. c. 85. s. 1, 3.
5 & 6 W. 4. c. 76. s. 115.
6 & 7 W. 4. c. 105. s. 1.
5 & 6 Vict. c. 98. s. 15.
16 & 17 Vict. c. 43. s. 1.

8. There shall be provided, at the Expense of every County, Riding, Division, Hundred, Liberty, Franchise, Borough, Town, or other Place having a separate Prison Jurisdiction, adequate Accommodation for its Prisoners in a Prison or Prisons constructed and regulated in such Manner as to comply with the Requisitions of this Act in respect of Prisons.

All Expenses incurred by a Prison Authority in carrying into effect the Provisions of this Act shall be defrayed out of the County Rate, or Rate in the Nature of a County Rate, Borough Rate, or other Rate leviable in the County, Riding, Division, Hundred, Liberty, Franchise, Borough, Town, or other Place having a separate Prison Jurisdiction, and applicable to the Maintenance of a Prison, or out of any other Property applicable to that Purpose.

Definition of separate Prison Jurisdiction.
4 G. 4. c. 64. s. 2.
5 & 6 Vict. c. 98. s. 15.

9. For the Purposes of this Act every County, Riding, Division, Hundred, Liberty, Franchise, Borough, Town, or other Place shall be deemed to have a separate Prison Jurisdiction, which maintains a separate Prison, or would be liable at Law to maintain a separate Prison if Accommodation were not provided for its Prisoners in the Prison of some other Jurisdiction.

Where a County is divided into Ridings or Divisions and a Prison is maintained at the common Expense of such Ridings or Divisions, that County shall in relation to such Prison, and for the Purposes thereof, be deemed to have a separate Prison Jurisdiction, notwithstanding a separate County Rate is not levied in such County at large.

Appointment of Officers.

Officers of Prison.
4 G. 4. c. 64. ss. 25, 26, 28, and 33.

10. There shall be appointed to every Prison by the Justices in Sessions assembled,

A Gaoler; a Chaplain, being a Clergyman of the Established Church; a Surgeon, duly registered as such, under the Act of the Session of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety; and such subordinate Officers as may be necessary.

And to every Prison in which Females are confined,

A Matron and such subordinate Female Officers as may be necessary.

Provided, that in a Prison where Females only are imprisoned, the Matron shall be deemed to be the Gaoler, and shall, so far as is practicable,

practicable, perform all the Duties and be subject to all the Obligations of a Gaoler in relation to such Prison.

CLAUSE B.

Appointment of Chaplain to Two Prisons.

4 G. 4. c. 64. s. 28.

2 & 3 Vict. c. 56. s. 16.

11. The same Person may officiate as Chaplain of any Two Prisons situate within a convenient Distance from each other, if such Prisons together are calculated to receive not more than One hundred Prisoners; but the Chaplain of more than One Prison, and the Chaplain of any Prison in which the average Number of Prisoners confined at any One Time during the Three Years next before his Appointment has not been less than One hundred, shall not, whilst holding his Chaplaincy, hold any Benefice with Cure of Souls or any Curacy.

Assistant Chaplains and Deputy Gaoler.

2 & 3 Vict. c. 56. s. 16.

12. The Justices in Sessions assembled may appoint an Assistant Chaplain, being a Clergyman of the Established Church, and a Deputy Gaoler, or either of such Officers, to any Prison which they deem sufficiently large to require the Appointment of such Officers or either of them.

Notice to be sent to Bishop as to Chaplains and Assistant Chaplains.

4 G. 4. c. 64. s. 29.

13. Notice of the Nomination of a Chaplain or Assistant Chaplain to a Prison shall, within One Month after it has taken place, be transmitted to the Bishop of the Diocese in which the Prison is situate, and no Chaplain or Assistant Chaplain shall officiate in any Prison until he has obtained a Licence for that Purpose from the Bishop of the Diocese wherein the Prison is situate, nor for any longer Time than while such Licence continues in force.

Tenure of Office and Salaries of Prison Officers.

4 G. 4. c. 64. ss. 26, 28, & 33.

7 W. 4. & 1 Vict. c. 78. s. 38.

14. Every Officer of a Prison appointed under this Act shall hold his Office during the Pleasure of the Justices in Sessions assembled, and shall receive such Salary as they may direct, subject to this Proviso, that in the Case of a Municipal Borough the Amount of the Salary of every Prison Officer appointed under this Act shall be approved by the Council.

Superannuation of Officers.

5 & 6 Vict. c. 98. s. 30.

15. If any Officer of a Prison becomes incapable, from confirmed Sickness, Age, or Infirmity, or Injury received in actual Execution of his Duty, of executing his Office in Person, and such Sickness, Age, Infirmity, or Injury is certified by a Medical Certificate, and the Certificate is accompanied by a Report of the Visiting Justices, testifying to his good Conduct during his Period of Service, and recommending a Grant to be made to him (such Report to be made Three Months at the least before the Grant is made), the Justices in Sessions assembled may grant to such Officer, having regard to his Length of Service, an Annuity, by way of

Superannuation Allowance, not exceeding Two Thirds of his Salary and Emoluments, or a Gratuity not exceeding the Amount of his Salary and Emoluments for One Year; any Annuity or Gratuity so fixed to be payable out of the Rates lawfully applicable to the Payment of the Salaries of such Officers. Where the Power to levy the last-mentioned Rates is vested in a different Body from the Justices the Consent of such last-mentioned Body shall be obtained to the Amount of Superannuation allowed.

Removal of Prison Officers from Apartments. 4 G. 4. c. 64. s. 27.

16. Whenever any Officer of a Prison is suspended, removed from, or resigns his Office, or departs this Life, the Officer so suspended, removed, or resigning, and his Family, and the Family of every such deceased Officer, shall quit the Possession of the House or Apartments in which he or they have previously resided by virtue of such Office when required so to do by Notice under the Hand or Hands of Two or more Visiting Justice or Justices of the Peace; and if he or they refuse or neglect to give such Possession for Forty-eight Hours after such Notice as aforesaid has been given to him or them, any Two Justices, upon Proof made to them of such Removal, Resignation, or Death, and of the Service of such Notice, and of such Neglect or Refusal to comply therewith, may, by Warrant under their Hands and Seals, direct any Constable, within a Period therein named, to enter by Force, if necessary, into such Premises, and deliver Possession thereof to the Prison Authority, or to any Person appointed by the Visiting Justices.

Discipline of Prisoners.

Clause D. Requisitions of Act as to Separation of Prisoners. 4 G. 4. c. 64. s. 10. r. 6. & s. 49. 5 G. 4. c. 85. s. 10. 2 & 3 Vict. c. 56. ss. 2, 3, 4, 5.

17. The Requisitions of this Act with respect to the Separation of Prisoners are as follows:—

1. In every Prison separate Cells shall be provided equal in Number to the Average of the greatest Number of Prisoners, not being Convicts under Sentence of Penal Servitude, who have been confined in such Prison at any Time during each of the preceding Five Years:
2. In every Prison Punishment Cells shall be provided or appropriated for the Confinement of Prisoners for Prison Offences:
3. In a Prison containing Female Prisoners as well as Males, the Women shall be imprisoned in separate Buildings or separate Parts of the same Buildings, in such Manner as to prevent their seeing, conversing, or holding any Intercourse with the Men:
4. In a Prison where Debtors are confined, Means shall be provided for separating them altogether from the Criminal Prisoners:

5. In

5. In a Prison where Criminal Prisoners are confined, such Prisoners shall be prevented from holding any Communication with each other, either by every Prisoner being kept in a separate Cell by Day and by Night, except when he is at Chapel or taking Exercise, or by every Prisoner being confined by Night to his Cell, and being subjected to such Superintendence during the Day as will prevent his communicating with any other Prisoner.

Cells to be certified for Confinement of Prisoners. 2 & 3 Vict. c. 56. s. 4.

18. No Cell shall be used for the Separate Confinement of a Prisoner unless it is certified by One of Her Majesty's Inspectors of Prisons to be of such a Size, and to be lighted, warmed, ventilated, and fitted up in such a Manner, as may be requisite for Health, and furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison; but a Distinction may be made in respect of the Use of Cells for the Separate Confinement of Prisoners during long and short Periods of Imprisonment, and in respect of the Use of Cells in which the Prisoner is intended to be employed during the whole Day, or for a long or short Part thereof; and the Certificates of the Inspector may be varied accordingly, so as to express the Period of Imprisonment for which each Cell may be considered fit, and the Number of Hours in the Day during which the Prisoners may be employed therein.

No Punishment Cell shall be used unless it is certified by such Inspector that it is furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison, and that it can be used as a Punishment Cell without Detriment to the Prisoner's Health, and the Time for which it may be so used shall be stated in the Certificate.

Every certified Cell shall be distinguished by a Number or Mark placed in a conspicuous Position, and shall be referred to by its Number or Mark in the Certificate of the Inspector, and if the Number or Mark of any certified Cell is changed without the Consent of the Inspector, such Cell shall be deemed to be an uncertified Cell until a fresh Certificate has been given.

Any Certificate given by an Inspector in respect of a Cell may be withdrawn on such Alteration taking place in such Cell as to render the Certificate, in his Opinion, inapplicable thereto, and upon a Certificate in respect of a Cell being withdrawn that Cell shall cease to be a certified Cell for the Purposes of this Act.

If any Prison Authority feel aggrieved by the Refusal of the Inspector to certify a Cell for any of the Purposes of this Act, it may appeal to One of Her Majesty's Principal Secretaries of State, and his Decision shall be final.

CLAUSE A. Requisitions of Act as to Hard Labour. 4 G. 4. c. 64. s. 10. r. 5 & 8.

19. Hard Labour for the Purposes of this Act shall be of Two Classes, consisting, 1st, of Work at the Tread Wheel, Shot Drill, Crank, Capstan, Stone-breaking, or such other like Description of hard bodily Labour as may be appointed by the Justices in Sessions assembled, with the Approval of the Secretary of State, which Work is herein-after referred to as Hard Labour of the First Class; 2dly, of such other Description of bodily Labour as may be appointed by the Justices in Sessions assembled, with the Approval of the Secretary of State, which Work is herein-after referred to as Hard Labour of the Second Class; and in every Prison where Prisoners sentenced to Hard Labour are confined, adequate Means (having regard to the average Number of such Prisoners confined in that Prison during the preceding Five Years) shall be provided for enforcing Hard Labour in accordance with the Regulations of this Act, and no Prison shall be deemed to be in conformity with the Requisitions of this Act with respect to the Enforcement of Hard Labour unless such Means as aforesaid have been provided therein, and Prisoners sentenced to Hard Labour have been employed thereat in manner provided by this Act.

Regulations as to Government of Prisons.

20. The Regulations contained in the First Schedule hereto with respect to the Government of Prisons shall be binding on all Persons in the same Manner as if they were enacted in the Body of this Act.

Rules in addition to Regulations in Schedule. 4 G. 4. c. 64. s. 10. r. 13. and 14. 5 G. 4. c. 85. s. 10. 5 & 6 W. 4. c. 38. ss. 1, 2, 5, 6. 7 W. 4. & 1 Vict. c. 78. s. 38. 2 & 3 Vict. c. 56. s. 2. 3 & 4 Vict. c. 25. ss. 1 & 2.

21. The Justices in Sessions assembled shall make Rules for the Supply to all Prisoners confined in Prisons within their Jurisdiction of a sufficient Quantity of plain and wholesome Food, regard being had so far as relates to convicted Criminal Prisoners to the Nature of the Labour required from or performed by such Prisoners, so that the Allowance of Food may be duly apportioned thereto, and shall frame Dietary Tables for this Purpose, and the said Justices may make Rules in respect of any other Matters relating to the Government of Prisons within their Jurisdiction, in addition to the Regulations in the said First Schedule, and may from Time to Time repeal or alter any Rules made or Dietary Tables framed in pursuance of this Section; but no Rule or Dietary Table, or Repeal or Alteration of a Rule or Dietary Table, shall be valid under this Section until One of Her Majesty's Principal Secretaries of State has certified his Approval in Writing under his Hand; and when such Approval has been certified, such Rule or Dietary Table, or Repeal or Alteration of a Rule or Dietary Table, shall be binding on all Persons in the same Manner as if it were enacted by this Act. If the Justices in Sessions assembled make default in making Rules and Dietary Tables that may be approved by the said

said Secretary of State in respect of the Supply of Food to Prisoners in any Prison within their Jurisdiction, there shall be in force in such Prison such Rules or Dietary Tables with respect to such Supply as may from Time to Time be determined by the said Secretary of State in Writing under his Hand.

CLAUSE E.

Inspector of Prisons to leave a Minute of Observations.

22. Upon every Occasion of visiting or inspecting a Prison to which this Act applies, the Inspector shall, by Letter addressed to the Visiting Justices, make a Report on the State of the Prison, mentioning any Irregularity he may have observed therein, or any Complaint he may have to make against the Buildings, the Officers, or the Discipline of the Prison, and the Visiting Justices shall enter a Copy of such Report in their Minute Book.

Enlargement and Rebuilding of Prisons.

Power to build Prisons. 4 G. 4. c. 64. ss. 45, 49. 5 G. 4. c. 12. 7 W. 4. & 1 Vict. c. 78. s. 37. 5 & 6 Vict. c. 98. s. 11.

23. Subject to the Conditions herein-after mentioned, any Prison Authority may alter, enlarge, or rebuild any of its Prisons, or may, if necessary, build other Prisons in lieu of or in addition to any subsisting Prisons, and may borrow Money for the Purpose of such Alteration, Enlargement, new building, or building.

Conditions as to building Prisons. 4 G. 4. c. 64. s. 45. 7 W. 4. & 1 Vict. c. 78. s. 37.

24. The Necessity for any Alteration, Enlargement, or rebuilding of an existing Prison, or for the building of a new Prison, shall be proved, in the Case of a Municipal Borough, by the Certificate of the Recorder, and in any other Case by a Presentment of Two or more of the Visiting Justices or other Justices having Jurisdiction within the District of the Prison Authority; and the Consideration of such Certificate or Presentment shall not be entertained by the Prison Authority, unless not less than Three Weeks previous Notice has been given in some One or more public Newspaper or Newspapers circulating within the District of the Prison Authority, of their Intention to take the same into consideration at a Time and Place to be mentioned in such Notice, and in every Case the Sanction of One of Her Majesty's Secretaries of State must be obtained to any such Alteration, Enlargement, rebuilding, or building.

Mode of obtaining Sanction of Secretary of State to building of Prisons. 4 G. 4. c. 64. s. 15, 49. 2 & 3 Vict. c. 56. ss. 12, 13.

25. In order to obtain the Sanction of the Secretary of State to the Alteration, Enlargement, or rebuilding of any Prison, the Prison Authority shall forward to him a Plan of the proposed Alterations, Enlargement, or new Building, drawn on such Scale and accompanied with such Particulars as the said Secretary may determine, and shall add thereto an Estimate of the Expense proposed to be incurred by the Prison Authority, and the Amount of Money proposed to be borrowed; and wherever a new Prison is

built or an old Prison is altered, enlarged, or rebuilt, a Chapel shall be provided easy of Access to the Prisoners, and shall be strictly set apart for Religious Worship, or for the occasional Religious and Moral Instruction of the Prisoners, and shall not be employed for any other Purpose.

Approval of Secretary of State. 2 & 3 Vict. c. 56. ss. 12, 13.

26. The said Secretary of State may approve of the Plans submitted to him with or without Modification, or may disapprove of the same; and his Approval or Disapproval shall be certified in Writing under his Hand.

Charge of borrowed Monies. 4 G. 4. c. 64. ss. 54, 55. 5 G. 4. c. 12. ss. 10, 11. 6 G. 4. c. 40. 5 & 6 Vict. c. 98. 11 & 12 Vict. c. 39.

27. Any Monies borrowed by a Prison Authority may be charged by that Authority on any County Rate or Rate in the Nature of a County Rate, Borough Rate, or other Rate applicable to the Maintenance of a Prison and leviable by that Authority, or on any other Property belonging to that Authority and applicable to the same Purpose as the said Rates, and shall be repaid, together with the Interest due thereon, out of such Rates or other Property.

Clauses of 10 & 11 Vict. c. 16. as to borrowing Money incorporated.

28. The Clauses of "The Commissioners Clauses Act, 1847," with the Exception of the Eighty-fourth Clause, with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver.

In the Construction of the said Clauses "the Commissioners" shall mean "the Prison Authority."

Where a Prison Authority borrows any Money for the Alteration, Enlargement, or rebuilding of any Prison, or the building of any new Prison, they shall charge the Rates or Property out of which the Monies borrowed are payable, not only with the Interest of the Monies so borrowed, but also with the Payment of such further Sum as will ensure the Repayment of the whole Sum borrowed within Thirty Years, or if the Loan has been made by the Public Works L ommissioners as defined by the Public Works Loan Act, 1853, within Twenty Years of the Time of borrowing the same.

Public Works Loan Commissioners to lend Money for building Prisons. 5 & 6 Vict. c. 98. s. 4.

29. The said Public Works Loan Commissioners as defined by the Public Works Loan Act, 1853, may advance to any Prison Authority upon the Security of any Rate applicable to or chargeable with the Maintenance of a Prison without any further Security, for the Purpose of altering, enlarging, or rebuilding any subsisting Prison or building any new Prison in pursuance of this Act, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State.

30. It

30. It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint a proper Person to be a Surveyor General of Prisons for the Purpose of advising Prison Authorities on the Construction of Prisons, and reporting to the Secretary of State on the several Plans of Prisons which may be sent to him for his Report, and for the Performance of such other Duties connected with the Construction of Prisons as may be from Time to Time entrusted to him by the Secretary of State.

Appointment of Surveyor General of Prisons. 7 & 8 Vict. c. 50. s. 4.

Contracts for Maintenance of Prisoners and Appropriation of Prisons.

31. Any Prison Authority may contract with any other Prison Authority having a Prison in conformity with the Requisitions of this Act, that the latter Authority is to receive into and maintain in its Prison or One of its Prisons all Prisoners maintainable at the Expense of the former Authority, or any particular Class or Classes of such Prisoners: Provided—

That no such Contract shall be valid unless the Prison of the latter Authority is approved by One of Her Majesty's Principal Secretaries of State as being a fit Prison to receive the Prisoners contracted to be received there.

Contracts by Prison Authorities for Maintenance of Prisoners. 5 G. 4. c. 85. 5 & 6 W. 4. c. 76. ss. 114, 115. 6 & 7 W. 4. c. 105. s. 1. 5 & 6 Vict. c. 98. s. 14. 16 & 17 Vict. c. 43. s. 1.

32. A Contract entered into between Prison Authorities for the Reception into and the Maintenance in the Prison of the one Authority of the Prisoners maintainable by the other Authority may include the Costs of conveying the Prisoners to Prison, and all other Costs incurred in respect of such Prisoners.

All Monies payable under the Contract shall be raised in the same Manner in which Monies for defraying the Expenses of the Prison for which a Substitute is provided under the Contract would be raiseable; and where such Expenses are not by Law wholly defrayable out of One Fund, and a Difference arises between the several Persons interested in the several Funds applicable to defraying such Expenses as to what Proportion ought to be applied to paying the Expenses arising under the Contract, such Difference shall be settled by Arbitration in manner herein-after mentioned.

Expenses of Contracts between Prison Authorities. 5 G. 4. c. 85. s. 2. 5 & 6 W. 4. c. 76. ss. 114, 115. 6 & 7 W. 4. c. 105. s. 1. 5 & 6 Vict. c. 98. s. 14. 16 & 17 Vict. c. 43. s. 1.

33. Where Two or more Prisons are within the Jurisdiction of the same Prison Authority, that Authority may carry into effect the Requisitions of this Act with respect to the Separation of Prisoners or the Enforcement of Hard Labour by appropriating particular Prisons to particular Classes of Prisoners.

Clause F. Appropriation of Prisons for Purposes of Classification. 4 G. 4. c. 64. s. 4.

34. Where a Change has been made as to the Prison to which Prisoners committed within the Jurisdiction of any Prison Authority

Public Notice of Prisons being

appropriated to certain Prisoners. 4 G. 4. c. 64. s. 4.

Authority may be sent by reason of such Authority having appropriated any of its Prisons to a particular Class of Prisoners, or having contracted with another Prison Authority for the Reception of its Prisoners, or from any other Cause, such Alteration shall be published once at the least in each of Two successive Weeks in some Newspaper or Newspapers usually circulated within the Jurisdiction of the said Prison Authority, and a Copy thereof shall be served upon the Gaoler of every Prison within such Jurisdiction.

Penalty for inadequate Prisons.

Government Allowance withheld from inadequate Prisons.

35. Whenever it appears to One of Her Majesty's Principal Secretaries of State that Default has been made in any Prison in complying with the Requisitions of this Act in respect of the Separation of Prisoners or of the Enforcement of Hard Labour, or of providing a Chapel or suitable Room for Religious Worship, it shall be lawful for the said Secretary of State to certify such Non-compliance in Writing under his Hand to the Commissioners of Her Majesty's Treasury, and upon such Certificate being given no Contribution shall thenceforth be paid out of Monies provided by Parliament towards the Expenses of maintaining any Prisoners in that Prison until the said Secretary of State has revoked his Certificate, upon being satisfied that the defaulting Prison has been brought into conformity with the Requisitions of this Act, and then only from the Date of such Revocation:

Provided,—

1st. That this Section shall not affect the Payment of any Contribution payable on or before the Thirty-first Day of December One thousand eight hundred and sixty-six:

2d. That before the Certificate of the said Secretary of State is given under this Section with respect to any Prison, a Copy of the Report of the Inspector of Prisons relating to that Prison, and a Statement of the Grounds on which the said Secretary proposes to give his Certificate, shall be sent to the Prison Authority; and it shall be lawful for such Authority, upon receiving a Copy of the said Report, and Statement, to address any Explanations or Observations relating thereto to the said Secretary of State:

3d. Whenever the Certificate of the Secretary of State is given under this Section in respect of a Prison, a Copy of the said Statement of Grounds, accompanied with any such Explanations or Observations as aforesaid, shall be laid before Parliament.

Power of Secretary of State to close

36. If at any Time it appear to One of Her Majesty's Principal Secretaries of State that a Prison Authority has, in respect of any Prison

Prison within its Jurisdiction, made default for Four successive Years in complying with the Requisitions of this Act with respect to the Separation of Prisoners, or with respect to the Enforcement of Hard Labour, or with respect to providing a Chapel or suitable Room for Religious Worship, the said Secretary of State may, by Notice under his Hand, addressed to the Authority of that Prison, and forwarded by Post in a prepaid Letter to the Gaoler of the Prison, or otherwise delivered to him, require that Authority, within a Time specified in such Notice, to bring such Prison into conformity with the Requisitions of this Act with respect to such Matters as aforesaid, or to exercise the Powers given to such Authority by this Act of contracting for the Removal of the whole or a Number of its Prisoners proportioned to the Inadequacy of its Prison in respect of such Separation or Means of providing such Hard Labour to some other Prison where Means exist for carrying into effect the Requisitions of this Act with respect to the Separation of Prisoners or Means of enforcing Hard Labour: and if any Prison Authority to whom such Notice is given fail, within Six Months after the Receipt thereof, to comply with the Requirements thereby made, the said Secretary of State may order the said inadequate Prison to be closed, and direct the Removal of the Prisoners therein, and the Committal of future Prisoners to some other Prison, the Authority of which may be willing to receive them; and upon such Order being made it shall be the Duty of the Gaoler of the said inadequate Prison, without further Warrant, to remove all the Prisoners therein to the substituted Prison named in the Order of the Secretary of State, and such substituted Prison shall thenceforth, and so long as such Order is in force, for all Purposes relating to the Committal, Detention, Trial, and Punishment of the Prisoners so removed, and of the Prisoners committed thereto in pursuance of this Section, be deemed to be the Prison of the defaulting Authority, and that Authority shall pay, out of any Rates or Monies applicable to the Support of the inadequate Prison, all Expenses incurred in and about the closing of that Prison, and the Removal of the Prisoners therein to the substituted Prison; and all Expenses incurred by the Authority of the substituted Prison in respect of the Prisoners committed to that Prison in pursuance of this Section shall be defrayed by the Authority of the inadequate Prison in the same Manner in all respects as if that Authority had contracted in pursuance of this Act with the Authority of the substituted Prison for the Reception in the last-mentioned Prison of Prisoners belonging to the Authority of the inadequate Prison.

inadequate Prisons.

Notice of any Order made by the said Secretary of State in pursuance of this Section shall be published in the London Gazette,

and once at least in Two successive Weeks in One of the Newspapers usually circulating in the County, City, Borough, or Place in which the Prison to which the Order relates is situate, and a Copy of the Gazette or Newspaper containing such Order shall be conclusive Evidence of its Contents.

Offences in relation to Prisons.

Clause G. Assisting Prisoners to escape. 4 G. 4. c. 64. s. 43.

37. Every Person who aids any Prisoner in escaping or attempting to escape from any Prison, or who, with Intent to facilitate the Escape of any Prisoner, conveys or causes to be conveyed into any Prison any Mask, Dress, or other Disguise, or any Letter, or any other Article or Thing, shall be guilty of Felony, and on Conviction be sentenced to Imprisonment with Hard Labour for a Term not exceeding Two Years.

Clause H. Punishment for carrying spirituous Liquors or Tobacco into Prison. 4 G. 4. c. 64. s. 40. 2 & 3 Vict. c. 56. s. 22.

38. Every Person who, contrary to the Regulations of the Prison, brings or attempts by any Means whatever to introduce into any Prison any spirituous or fermented Liquor or Tobacco, and every Officer of a Prison who suffers any spirituous or fermented Liquor or Tobacco to be sold or used therein, contrary to the Prison Regulations, on Conviction shall be sentenced to Imprisonment for a Term not exceeding Six Months, or to a Penalty not exceeding Twenty Pounds, or both in the Discretion of the Court, and every Officer of a Prison convicted under this Section shall, in addition to any other Punishment, forfeit his Office and all Arrears of Salary due to him.

Punishment for carrying Letters into and out of Prisons. 2 & 3 Vict. c. 56. s. 22.

39. Every Person who, contrary to the Regulations of a Prison, conveys or attempts to convey any Letter or other Document, or any Article whatever not allowed by such Regulations, into or out of any Prison, shall on Conviction incur a Penalty not exceeding Ten Pounds, and if an Officer of the Prison shall forfeit his Office and all Arrears of Salary due to him, but this Section shall not apply in Cases where the Offender is liable to a more severe Punishment under any other Provision of this Act.

Clause I. Notice of Penalties to be placed outside of Prison.

40. The Visiting Justices shall cause to be affixed, in a conspicuous Place outside the Prison, a Notice setting forth the Penalties that will be incurred by Persons committing any Offence in contravention of the Three preceding Sections.

Discharge of Prisoners.

When Term of Imprisonment expires on Sunday,

41. Any Prisoner confined in a Prison whose Term of Imprisonment would, according to his Sentence, expire on any Lord's Day, shall be entitled to his Discharge on the Saturday next preceding such

such Lord's Day; and every Gaoler of every Prison having the Custody of any such Prisoner as aforesaid is hereby required and authorized to discharge such Prisoner on the Saturday next preceding any such Lord's Day.

Prisoner to be discharged on preceding Day.
5 & 6 W. 4. c. 38. s. 12.

42. Where any Prisoner is discharged from Prison, the Visiting Justices may order a Sum of Money not exceeding Two Pounds to be paid out of any Monies under their Control, and applicable to the Payment of the Expenses of the Prison, by the Gaoler to the Prisoner himself, or to the Treasurer of a Certified Prisoners Aid Society, on his receiving from such Society an Undertaking in Writing, signed by the Secretary thereof, to apply the same for the Benefit of the Prisoner, or, if that becomes impossible, to appropriate the whole or any unapplied Part thereof for the Benefit of such other Prisoner or Prisoners discharged from the said Prison as the Visiting Justices may direct.

Allowance to discharged Prisoner.
4 G. 4. c. 64. s. 39.
25 & 26 Vict. c. 44. s. 1.

43. When a Prisoner is discharged from Prison the Visiting Justices of the Prison may provide such Prisoner out of any Monies under their Control and applicable to the Payment of the Expenses of the Prison with the Means of returning to his Home or Place of Settlement, by causing his Fare to be paid by Railway or in any other convenient Manner.

Clause K. Discharged Prisoners provided with Means of returning to Place of Settlement.

Purchase of Land.

44. Any Prison Authority may purchase and hold such Lands or Easements relating to Lands as they may require for the Purposes of this Act; and to facilitate such Purposes "The Lands Clauses Consolidation Act, 1845," and the Act amending the same, passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Act, with the Exceptions and subject to the Conditions herein-after contained; that is to say,

Incorporation of Provisions of Lands Clauses Act.
4 G. 4. c. 64. ss. 56–66.
5 & 6 Vict. c. 98.

1. There shall not be incorporated with this Act the Sections and Provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned; that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; Section Seventeen, whereby it is provided that the Certificate of the Justices shall be Evidence that the Capital has been subscribed; the Provisions relating to the Entry upon Lands by the Promoters of the Undertaking, contained in Sections Eighty-four to Ninety-one, both inclusive; Section One hundred and twenty-three, whereby a Limit of Time for the compulsory

pulsory Purchase of Land is imposed; or the Provisions relating to Access to the Special Act:

2. In the Construction of this Act and the said incorporated Acts, this Act shall be deemed to be the Special Act, and the Prison Authority shall be deemed to be the Promoters of the Undertaking, and the Word "Lands" shall include any Easement in or out of Lands:

4 G. 4. c. 64. s. 58.

3. The Prison Authority shall not, except in respect of Lands contiguous to a Prison and required for the Purpose of enlarging a Prison or rendering it more commodious or safe, put in force the Provisions of the said incorporated Acts with respect to the Purchase of Land otherwise than by Agreement.

Clause L. Confirmation of Title to Lands purchased for Purpose of Prison. 5 & 6 Vict. c. 98. s. 1.

45. When any Lands have been purchased for the Purposes of a Prison in pursuance of this Act, such Lands shall at the Expiration of Five Years from the Date of a Conveyance having been made to any Person or Body Corporate on trust for such Purposes absolutely vest in that Person or Body Corporate for all the Estate or Interest purported to be conveyed to be held on trust for the aforesaid Purposes, and if before the Expiration of the said Term of Five Years any Proceedings are taken on which Judgment is obtained for the Recovery of the Possession of the said Lands, then within Two Calendar Months after Judgment has been obtained there shall be paid to the Person obtaining such Judgment, instead of the Delivery of Possession of the Lands, all Costs incurred in obtaining such Judgment and Compensation for the full Value of his Estate or Interest in such Lands, the Amount of such Compensation to be ascertained in manner provided by the said Lands Clauses Consolidation Act, 1845, in case of disputed Compensation as to Land, and to be calculated on the Basis of the Value of the Land at the Time of the Purchase thereof.

Disposal of unnecessary Prisons.

Sale of unnecessary Prisons. 7 G. 4. c. 18.

46. Any Prison Authority may sell any Prison or Land belonging to or held on trust for them, as such Prison Authority, that appears to them to be unnecessary by reason of their having provided for the Accommodation of their Prisoners, and the Monies arising from such Sale shall be applied in discharging any Expenses that may have been or may hereafter be incurred by such Authority in building, altering, enlarging, or rebuilding any Prison within their Jurisdiction, or otherwise in aid of the Rate raisable for the Maintenance of their Prison.

47. No

47. No Sale or Purchase shall be made in pursuance of this Act by a Prison Authority, unless not less than Three Weeks previous Notice has been given in some One or more public Newspaper or Newspapers circulating within the District of the Prison Authority, of their Intention to take into consideration the Propriety of making such a Sale or Purchase at a Time and Place to be mentioned in such Notice. Conditions of Sale.

Any Sale in pursuance of this Act may be made by Private Contract or Public Auction, and subject to any special Conditions as to Title or other Matters the Vendors may think expedient. No Purchaser shall be required to examine into the Propriety of the Sale of any Prison or Land in pursuance of this Act, or into the Appropriation of any Monies paid by him to the Vendors; and any such Sale shall, in the Absence of actual Fraud on his Part, be valid so far as he is concerned, notwithstanding any Omission to give such Notice as aforesaid, or any other Impropriety in the Sale or Misapplication of the Purchase Money.

Miscellaneous.

48. It shall be the Duty of the Coroner having Jurisdiction in the Place to which the Prison belongs to hold an Inquest on the Body of every Prisoner who may die within the Prison. Where it is practicable, One clear Day shall intervene between the Day of the Death and the Day of the holding the Inquest; and in no Case shall any Officer of the Prison, or any Prisoner confined in the Prison, be a Juror on such Inquest. Inquests on Prisoners. 4 G. 4. c. 64. s. 11.

49. If any Suit or Action is prosecuted against any Person for anything done in pursuance of this Act, such Person may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done by Authority of this Act; and if a Verdict passes for the Defendant, or the Plaintiff becomes nonsuited, or discontinues his Action after Issue joined, or if, upon Demurrer or otherwise, Judgment be given against the Plaintiff, the Defendant shall recover double Costs and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict be given for the Plaintiff in any such Action such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial takes place certifies his Approbation of the Action and of the Verdict obtained thereupon. General Issue may be pleaded to Action. 4 G. 4. c. 64. s. 73.

50. All Actions, Suits, and Prosecutions commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County or Place where the Act complained of Venue where laid. 4 G. 4. c. 64. s. 75.

Provision as to Arbitration. 5 G. 4. c. 12. s. 8. 5 G. 4. c. 85. s. 21. 5 & 6 W. 4. c. 76. s. 117. 6 & 7 W. 4. c. 105. s. 1. 5 & 6 Vict. c. 53. s. 1. 5 & 6 Vict. c. 98. s. 14. 7 & 8 Vict. c. 93. 16 & 17 Vict. c. 43.

of was committed, and shall be commenced within Six Calendar Months after the Committal thereof, and not otherwise.

51. Any Difference authorized or directed by this Act to be settled by Arbitration shall be referred to the Arbitration of a Barrister-at-Law to be appointed in Writing, on the Application of any Party to the Difference, by any Judge of Assize of the last preceding or of the next succeeding Circuit; and all the Provisions of "The Common Law Procedure Act, 1854," relating to compulsory References, shall be deemed to extend to any such Arbitration, with this Addition, that it shall be obligatory on the Arbitrator, at the Request of any Party to the Difference, to state a Special Case for the Opinion of a Superior Court.

CLAUSE N. Recovery of Penalties.

52. Offences under this Act, with the Exception of Felonies, and of Offences for the Mode of Trial of which express Provision is made by this Act, shall be prosecuted summarily before Two Justices acting for the Division or Place where the Matter requiring the Cognizance of such Justices arises, and in manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, and any Act amending the same.

Visiting Justices.

Appointment of Visiting Justices. 4 G. 4. c. 64. s. 16.

53. The Justices within every Prison Jurisdiction, in Sessions assembled, shall, at their First Sessions in each Year, nominate Two or more Justices, not exceeding Twelve, with their Consent, to be Visitors of each Prison within their Jurisdiction, with Power, if they think fit, to declare such Nomination to be for the whole Year, or to renew the same or make a fresh Nomination in each succeeding Quarter of the Year; and One or more of the Visiting Justices so appointed shall from Time to Time visit and inspect each Prison, and shall examine into the State of the Buildings, so as to form a Judgment as to the Repairs, Additions, or Alterations which may appear necessary, strict Regard being had to the Requisitions of this Act with respect to the Separation of Prisoners, and Enforcement of Hard Labour in Prisons, and shall further examine into the Conduct of the respective Officers, and the Treatment and Conduct of the Prisoners, the Means of setting them to work, the Amount of their Earnings, and the Expenses attending the Prison, and shall inquire into all Abuses within the Prison, and shall take cognizance of Matters of pressing Necessity, and within the Powers of their Commission as Justices, and regulate the same, and shall once at least in each Quarter of a Year make a Report to the Justices in Sessions assembled.

54. The

54. The Justices in Sessions assembled may make Rules with respect to the Duties of Visiting Justices, and from Time to Time repeal or alter any Rule so made, and make other Rules in addition thereto or in substitution therefor, but no Rules shall be valid which are inconsistent with any Provision of this Act.

Power to make Rules as to Visiting Justices.

55. Any Justice of the Peace having Jurisdiction in the Place to which a Prison belongs may, whenever he thinks fit, enter into and examine the Condition of such Prison, and hear any Complaint that may be made by the Prisoners therein, and inquire into the Grounds of such Complaints; but he shall not be entitled in pursuance of this Section to visit any Prisoner under Sentence of Death, or to communicate with any Prisoner, except in reference to the Treatment in Prison of such Prisoner, or to some Complaint that such Prisoner may make as to such Treatment.

Any Justice visiting a Prison in pursuance of this Section may enter any Observations he may think fit to make in reference to the Condition of the Prison, Abuses therein, or Complaints of Prisoners in the Visitors Book to be kept by the Gaoler; and it shall be the Duty of the Gaoler to draw the Attention of the Visiting Justices, at their next Visit to the Prison, to any Entries made in the said Book.

Visits to Prison by any Justice. 4 G. 4. c. 64. ss. 17, 18.

PART II.

Law of Prisons.

56. Subject to the Provisions of this Act with respect to the Appropriation of Prisons to particular Classes of Prisoners, every Prison to which this Act applies shall be deemed to be a Gaol and House of Correction, but no Class of Prisoners that have not previously to the Commencement of this Act been confined in any Prison shall be confined there until One of Her Majesty's Principal Secretaries of State has certified that such Prison is a fit Place of Confinement for that Class of Prisoners.

Abolition of Distinction between Gaol and House of Correction. 4 G. 4. c. 64. s. 5. 5 & 6 W. 4. c. 38. ss. 3, 4. 13 & 14 Vict. c. 19. ss. 1, 2. 14 & 15 Vict. c. 55. s. 20.

57. Every Prison, wheresoever situate, shall for all Purposes be deemed to be within the Limits of the Place for which it is used as a Prison.

Jurisdiction over Prison. 7 W. 4. & 1 Vict. c. 78. s. 40.

58. Every Prisoner confined in a Prison shall be deemed to be in the legal Custody of the Gaoler, provided that nothing in this Act contained shall affect the Jurisdiction or Responsibility of the Sheriff in respect of Prisoners under Sentence of Death, or his Jurisdiction or Control over the Prison where such Prisoners are confined,

Custody of Prisoners. 4 G. 4. c. 64. s. 6. 5 & 6 W. 4. s. 38. ss. 3, 4.

confined, and the Officers thereof, so far as may be necessary for the Purpose of carrying into effect the Sentence of Death, or for any Purpose relating thereto, and in any Prison in which Sentence of Death is required to be carried into effect on any Prisoner, whether such Prison is or not the Common Gaol of the County, the Sheriff shall, for the Purposes of carrying that Sentence into execution, be deemed to have the same Jurisdiction with respect to such Prison as he has by Law with respect to the Common Gaol of a County or would have had if this Act had not passed.

Security to Sheriff. 7 W. 4. & 1 Vict. c. 78. s. 42. 17 & 18 Vict. c. 115. s. 4.

59. The Gaoler of any Prison in which Debtors are confined shall, if required by the Sheriff, give Security to him for their safe Custody, to such Amount as may be determined by Agreement, or, in default of Agreement, may be settled by the Justices in Sessions assembled.

Responsibility of Sheriff. 17 & 18 Vict. c. 115. s. 5.

60. The Sheriff shall not be liable for the Escape from Imprisonment of any Prisoner other than a Debtor.

Description of Prison in Writ.

61. Any Writ, Warrant, or other legal Instrument addressed to the Gaoler of a particular Prison, describing the Prison by its Situation or other definite Description, shall be valid, by whatever Title such Prison is usually known, or whatever be the Description of the Prison, whether Gaol, House of Correction, Bridewell, Penitentiary, or otherwise.

Gaoler of Prison to deliver Calendar. 13 & 14 Vict. c. 91. s. 1.

62. The Gaoler of every Prison shall deliver or cause to be delivered to the Judges of Assize, and to the Justices in Quarter Sessions, a Calendar of all Prisoners in Custody for Trial at such Assizes or Gaol Sessions, in the same Way as the Sheriff of a County has hitherto been required by Law to deliver a Calendar of such Prisoners when committed to the Common Gaol of the County, and the Sheriff shall no longer be required to deliver or cause to be delivered such Calendar.

Removal of Prisoners for Trial. 13 & 14 Vict. c. 91. ss. 3, 4. 14 & 15 Vict. c. 55. ss. 21, 22. 17 & 18 Vict. c. 115.

63. A Prisoner may be brought up for Trial, and may be removed by or under the Direction of the Gaoler from one Prison to another, or from one Place of Confinement to another, to which such Prisoner may be legally removed, for the Purpose of being tried or undergoing his Sentence, and no Prisoner whilst in the Custody of a Gaoler shall be deemed to have escaped, although he may be taken into different Jurisdictions or different Places of Confinement.

Removal of Prisoners in other Cases. 4 G. 4. c. 64. ss. 51, 52.

64. Prisoners may be removed from one Prison to another Prison or Place of Confinement within the Jurisdiction of the same Prison

Prison Authority, or to the Prison of any other Authority, with the Consent of such last-mentioned Authority, by Order of the Justices in Sessions assembled, for the Purpose of enabling any Prison to be altered, enlarged, or rebuilt, or in case of a contagious or infectious Disease breaking out in any Prison, or for any other reasonable Cause; and in case of Emergency such Removal may be made in pursuance of an Order under the Hands of the Visiting Justices; and any Prisoners removed from a Prison in pursuance of this Section may, by Order of the Justices in Sessions assembled, be taken back by the Gaoler to the Prison from whence they were removed, or be removed to any other Place in which they can legally be imprisoned.

Her Majesty may order Prisoners to be removed from one Prison to another. 5 & 6 W. 4. c. 38. s. 11.

65. It shall be lawful for Her Majesty, by an Order under the Hand of One of Her Majesty's Principal Secretaries of State, to direct any Person in Prison in England and Wales under Sentence of any Court, or of any competent Authority, for any Offence committed by him, to be removed from the Prison in which he is confined to any other of Her Majesty's Prisons within England and Wales, there to be imprisoned during his Term of Imprisonment.

Custody and Trial of Prisoners in a substituted Prison. 4 G. 4. c. 64. s. 8. 5 G. 4. c. 85. 5 & 6 W. 4. c. 76. ss. 114, 115. 6 & 7 W. 4. c. 105. s. 1. 16 & 17 Vict. c. 43. 21 & 22 Vict. c. 68.

66. Where a Prison Authority, in this Section called the contracting Authority, has contracted with any other Prison Authority, in this Section called the receiving Authority, that the receiving Authority is to receive into and maintain in its Prison any Prisoners maintainable at the Expense of the contracting Authority, the Prison of the receiving Authority shall for all the Purposes of and incidental to the Commitment, Trial, Detention, and Punishment of the Prisoners of the contracting Authority, or any of such Purposes, according to the Tenor of the Contract, be deemed to be the Prison of the contracting Authority, except that the contracting Authority shall have no Right to interfere in the Management of the Prison of the receiving Authority.

Clause O. Misdemeanants of First Division. 3 & 4 Vict. c. 25. s. 2.

67. In every Prison to which this Act applies Prisoners convicted of Misdemeanor, and not sentenced to Hard Labour, shall be divided into at least Two Divisions, One of which shall be called the First Division; and whenever any Person convicted of Misdemeanor is sentenced to Imprisonment without Hard Labour it shall be lawful for the Court or Judge before whom such Person has been tried to order, if such Court or Judge think fit, that such Person shall be treated as a Misdemeanant of the First Division, and a Misdemeanant of the First Division shall not be deemed to be a Criminal Prisoner within the Meaning of this Act.

 68. That

Clause W. Prohibition of Sentence of Solitary Confinement.

68. That from and after the Commencement of this Act no Prisoner shall be sentenced to Solitary Confinement in a Prison to which this Act applies.

PART III.

Discontinuance of certain Prisons.

Prohibition of Committals to Prisons in Second Schedule.

69. After the Commencement of this Act no Person shall be committed to any of the Prisons mentioned in the Second Schedule hereto.

All Persons who before the passing of this Act might lawfully have been committed to any of the said Scheduled Prisons shall, after the passing thereof, be committed to the Prison of the County in which the said Scheduled Prison is situated; and such County Prison shall, for all Purposes relating to or consequential on the Committal, Trial, Detention, or Punishment of Prisoners committed or removed thereto in pursuance of this Part of this Act, be regarded in Law as if it were the said Scheduled Prison.

In this Part of this Act, so far as it relates to the Prison at Richmond in the said Second Schedule mentioned, "County" shall mean the North Riding of Yorkshire, and so far as relates to the Prison at Rye in the same Schedule mentioned the County Gaol of Lewes shall be deemed to be the Prison of the County.

Removal of Prisoners in Scheduled Prisons.

70. As soon as conveniently may be after the Commencement of this Act the Gaoler of each of the said Scheduled Prisons shall, without Writ of Habeas corpus or other Writ for that Purpose, remove every Prisoner under Sentence or committed for Trial in such Prison to the Prison of the County in which the said Scheduled Prison is situate, and deliver such Prisoner into the Custody of the Gaoler of the said County Prison, together with the Writ and other Process under which the Prisoner was arrested or confined; and the Gaoler of the said County Prison shall be bound to receive such Prisoner, and shall give a Receipt to the Gaoler of the said Scheduled Prison for every Prisoner removed in pursuance of this Section.

Expenses of Prisoners confined in County Prisons under Act. 5 & 6 Vict. c. 98. s. 18.

71. The Expenses which may be incurred by any County in the Conveyance, Transport, Maintenance, safe Custody, and Care of every Prisoner confined, in pursuance of this Part of this Act, in the County Prison instead of in One of the said Scheduled Prisons, including the Expenses of the Removal of the Prisoners from one Prison to another, shall be defrayed in manner provided by Law

Law in Cases where the Prisoners committed for Offences arising within any Borough or other Place that does not contribute to the County Rate are sent to any Prison of a County, and there is no special Contract between such Borough or other Place and the County relative to such Prisoners.

Power to use Scheduled Prisons as Lock-up Houses.

72. The Prison Authority of any of the said Scheduled Prisons may sell the same in manner provided by this Act, in case where a Prison appears to a Prison Authority to be unnecessary, by reason of its having provided for the Accommodation of its Prisoners in some other adequate Prison, or may, with the Sanction of the said Secretary of State, cause the same to be used as a Police Station House or a Lock-up House, and the Money arising from any Sale made in pursuance of this Section shall be applied in discharging any Expenses that may be incurred by such Authority in the Maintenance of its Prisoners, or otherwise in aid of the Rate applicable to Prison Purposes.

Power to allow Compensation to Persons deprived of Office.

73. The Justices in Sessions assembled having Jurisdiction over each of the said Scheduled Prisons may allow such Compensation or Allowance as they think fit to any Person who, by reason of the passing of this Part of this Act, is deprived of any Salary or Emoluments, so that no such Compensation or Allowance exceeds the Proportion of the Salary and Emolument, if any, which might be granted under similar Circumstances to a Person in the Civil Service under the Acts for regulating such Compensations or Allowances for the Time being in force; and any Compensation or Allowance so allowed shall be paid out of any Rates applicable to the Payment of the Salaries of such Officers, subject to this Proviso, that when the Power to levy such Rates is vested in a different Body from the Justices, the Consent of such last-mentioned Body shall be obtained to the Amount allowed.

PART IV.

Repeal of Statutes, and Saving Clauses.

Repeal of Acts.

74. After the Commencement of this Act there shall be repealed the several Acts specified in the Third Schedule hereto, to the Extent in the said Schedule mentioned.

Saving Clause as to Repeal.

75. No Repeal hereby enacted shall affect,

1. Any Order made, Sentence passed, or other Act or Thing duly done under any Acts hereby repealed:

2. Any Right or Privilege acquired, any Security given, or other Liability incurred under any Act hereby repealed:
3. Any Penalty, Forfeiture, or other Punishment incurred in respect of any Offence against any Act hereby repealed:
4. Any Appointment to an Office made under any Act hereby repealed, or any Power of removing the Holder of such Office, or otherwise dealing with such Office as respects the existing Holder thereof in manner provided by any Act hereby repealed:
5. The Power of committing Prisoners to any Prison except in so far as the same may be altered in pursuance of Powers given by this Act.

Certificates as to Cells.

76. All Cells certified before the Commencement of this Act by any Inspector of Prisons as being fit to be used for the Separate Confinement of Prisoners shall be deemed to be Cells certified for such Purpose under this Act.

Saving as to repealed Provisions referred to in other Acts. 5 & 6 W. 4. c. 76. s. 24.

77. Any unrepealed Act of Parliament in which Reference is made to the Provisions of any Act hereby repealed shall be construed as if in such first-mentioned Act Reference had been made to the corresponding Provisions of this Act.

Saving as to Meaning of Gaol Act. 25 & 26 Vict. c. 44.

78. In the Construction of the Act of the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Forty-four, the Expression, "the Gaol Act," shall mean this Act instead of the Act therein referred to.

Saving of Rights of Creditors.

79. Nothing in this Act contained shall affect the Right of any Creditor who may have advanced any Monies for building, repairing, or otherwise for the Purposes of any Prison discontinued in pursuance of this Act, or may have advanced any Monies on any Mortgage or other Security; and it shall be lawful for such Creditor to pursue any Remedies for recovering the Principal or Interest Monies due to him, and to enjoy the Benefit of any Security of which he may be possessed, in the same Manner as if this Act had not passed, and as if the Acts hereby repealed had remained in full Force.

Saving of Superannuation Allowances.

80. Nothing in this Act contained shall affect the Tenure of Office or Salary or Superannuation Allowance of any Officer of a Prison, not being one of the said Scheduled Prisons, appointed prior to the Commencement of this Act, but such Officer shall remain entitled to the same Tenure of Office, Salary, and Superannuation Allowance, as if this Act had not passed: Provided that the

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Superannuation Allowance of any Prison Officer appointed before the Commencement of this Act may, on the Application of such Officer, and with the Consent of the Justices in Sessions assembled, be calculated on the same Scale on which the Superannuation Allowances of Officers appointed after the passing of this Act are directed to be calculated.

Saving as to Rules.

81. All Rules in force in any Prison that are inconsistent with this Act, or the Regulations in the Schedule hereto, shall be repealed from and after the Commencement of this Act, but all other Rules in force in any Prison shall so continue until altered in manner in this Act provided.

Clause U. Saving as to Appointment of Officers.

82. Nothing in this Act contained shall affect any Right vested by Charter in the Council of any Municipal Borough of appointing a Gaoler, Chaplain, or other Officer to the Prison of such Borough.

Clause V. Saving as to Commissions.

83. Nothing in this Act contained relating to the Custody of Prisoners shall affect the Validity of any Commission of Gaol Delivery, Commission of Oyer and Terminer, or other Commission, Precept, Writ, Warrant, or other Document, notwithstanding the same may be addressed to or make mention of the Sheriff of any County, City, or Place, instead of being addressed to or making mention of the Gaoler of a Prison or Prisons; and every such Commission, Precept, Writ, Warrant, or other Document shall be obeyed by the Gaoler, and take effect in the same Manner as if the Gaoler had been named therein instead of the Sheriff.

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SCHEDULE I.

REGULATIONS FOR GOVERNMENT OF PRISONS.

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Cleanliness in Prison. 4 G. 4. c. 64. s. 10. r. 19.

1. The Prison shall be kept in a cleanly State, and the Walls and Ceilings of the Wards, Cells, Rooms, and Passages used by the Prisoners throughout every Prison shall either be painted with Oil, or be limewashed, or partly painted and partly limewashed. Where painted with Oil the Painting shall be washed with hot Water and Soap once at least in every Six Months. Where limewashed the Limewashing shall be renewed once at least in every Year. The Day Rooms, Work Rooms, Passages, and Sleeping Cells shall be washed or cleansed once a Week, or oftener if requisite.

Trees, &c. not allowed against Walls.

2. No Thing shall be allowed to grow against the outer Walls of the Prison, nor any Rubbish or other Articles to be laid against them, nor shall any Tools or Implements of any Kind likely to facilitate Escape be left unnecessarily exposed.

Temperatu of Prison.

3. Thermometers shall be placed in different Parts of the Prison.

Visitors not sleep within the Prison.

4. No Person shall be permitted to sleep in the Apartments of any subordinate Officer of the Prison without Permission from the Gaoler, such Permission to be reported to a Visiting Justice.

Hours of locking and unlocking the Prison.

5. A Report shall be made to the Gaoler at Ten o'Clock each Night whether the Officers resident in the Prison are all present; and no Ingress or Egress shall be allowed into or out of the Prison between the Hours of Ten o'Clock at Night and Six o'Clock in the Morning, except to the Gaoler, Chaplain, or Surgeon, or in special Cases, which shall be entered in the Journal of the Gaoler.

Admission and Discharge of Prisoners.

Search of Prisoners on Admission.

6. Prisoners on Admission shall be searched, and all dangerous Weapons, Articles calculated to facilitate Escape, and prohibited Articles, shall be taken from them.

Prisoner to be alone when searched.

7. No Prisoner shall be searched in the Presence of any other Prisoner.

Effects retained by Gaoler. 2 & 3 Vict. c. 56. s. 6. r. 7.

8. All Money or other Effects brought into the Prison by any Prisoner, or sent to the Prison for his Use, which he is not allowed to retain, shall be placed in the Custody of the Gaoler, who shall keep an Inventory of them in a separate Book.

Register of certain Particulars relating to Prisoner. 4 G. 4. c. 64. s. 10. r. 17.

9. The Name, Age, Height, Weight, Features, particular Marks, and general Appearance of a Criminal Prisoner, shall, upon his Admission, be noted in a Nominal Record of Prisoners, to be kept by the Gaoler. Every Criminal Prisoner shall also, as soon as possible, be examined by the Surgeon, who shall enter in a separate Column of the Nominal Record the State of Health of the Prisoner, and any Observations he may deem it expedient to add.

Removal and Discharge of Prisoners. 4 G. 4. c. 64. s. 10. r. 17.

10. All Prisoners, previously to being removed to any other Prison or being discharged from Prison, shall be examined by the Surgeon; and no Prisoner shall be removed to any other Prison unless the Surgeon certifies, by an Entry in the Nominal Record, that the Prisoner is free from any Illness that renders him unfit for Removal; and no Prisoner shall be discharged from Prison if labouring under any acute or dangerous Distemper, nor until, in the Opinion of the Surgeon, such Discharge is safe, unless such Prisoner require to be discharged.

Separation of Prisoners.

11. Prisoners before Trial shall be kept apart from Convicted Prisoners.

Female Prisoners.

12. Female Prisoners shall be searched on Admission by Female Officers. In other respects the same Course shall be pursued in reference to the Admission, Removal, or Discharge of a Female Prisoner as in the Case of a Male Prisoner, the Matron performing the Duties imposed on the Gaoler in Case of a Male Prisoner.

Food, Clothing, and Bedding of Prisoners.

Spirituous Liquors. 4 G. 4. c. 64. s. 10. r. 21. 2 & 3 Vict. c. 56. s. 6. r. 5.

13. No Tap shall be kept in any Prison; nor shall Spirituous Liquors of any kind be admitted for the Use of any of the Prisoners therein, under any Pretence whatever, unless by a written Order of the Surgeon, specifying the Quantity to be admitted, and the Name of the Prisoner for whose Use it is intended; but this Regulation shall not apply to any Stock of Spirituous Liquors kept in the Prison for the Use of the Infirmary, and under the Control of the Surgeon.

Smoking. 2 & 3 Vict. c. 56. s. 6. r. 5.

14. No Smoking shall be allowed, or Tobacco introduced, except with the Consent and subject to the Rules made by the Visiting Justices, or under a written Order of the Surgeon.

Order of Surgeon as to Spirituous Liquors, &c. 2 & 3 Vict. c. 56. s. 6. r. 5.

15. Any Order by the Surgeon for the Admission of Spirituous Liquors or Tobacco shall be entered by him in his Journal.

Debtor may maintain himself.

16. A Debtor shall be permitted to maintain himself, and to procure or receive at proper Hours Food, Wine, Malt Liquor, Clothing, Bedding, or other Necessaries, but subject to Examination, and to such Rules as may be approved by the Visiting Justices.

Debtor not to sell Provisions.

17. No Part of any Food, Wine, Malt Liquor, Clothing, Bedding, or other Necessaries belonging to any Debtor shall be sold to any other Prisoner; and any Debtor transgressing this Regulation shall lose the Privilege of receiving or purchasing any Wine or Malt Liquor for such a Time as the Visiting Justices may deem proper.

Prison Allowance to Debtors.

18. A Debtor, if unable to provide himself with sufficient Food, Clothing, Bedding, or other Necessaries, shall receive the Allowance of Food, Clothing, Bedding, or other Necessaries allotted to Debtors unable to maintain themselves, by the Prison Rules for the Time being in force.

Prisoner before Trial may maintain himself. 4 G. 4. c. 64. s. 10. r. 14.

19. A Criminal Prisoner before Trial may procure for himself, or receive at proper Hours, Food, and Malt Liquor, Clothing, Bedding, or other Necessaries, subject to Examination, and to such Rules as may be approved by the Visiting Justices; and any Articles so procured may be paid for out of the Monies belonging to such Prisoner in the Hands of the Gaoler. No Part of such Food, Malt Liquor, Bedding, Clothing, or other Necessaries shall

shall be sold or transferred to any other Prisoner; and any Prisoner transgressing this Regulation shall be prohibited from procuring any Food or other Necessaries for such Time as the Visiting Justices may deem proper. If a Criminal Prisoner before Trial does not provide himself with Food, he shall receive the Allowance of Food allotted to Criminal Prisoners before Trial by the Rules of the Prison.

Dress of Criminal Prisoner before Trial.

20. Criminal Prisoners before Trial may, if they desire it, wear the Prison Dress, and they shall be required to do so if their own Clothes are insufficient, or unfit for Use, or necessary to be preserved for the Purposes of Justice. The Prison Dress for Prisoners before Trial shall be of a different Colour from that of convicted Prisoners.

Prison Allowance of Food for convicted Prisoner. 4 G. 4. c. 64. s. 10. r. 13.

21. Every convicted Criminal Prisoner shall be allowed a sufficient Quantity of Food according to the Scale established by the Rules of the Prison. Prisoners under the Care of the Surgeon shall be allowed such Diet as he may direct. Care shall be taken that all Provisions supplied to the Prisoners be of proper Quality and Weight. Scales and legal Weights and Measures shall be provided, open to the Use of any Prisoners, under such Restrictions as may be made by the Prison Rules.

Convicted Prisoner restricted to Prison Allowances. 4 G. 4. c. 64. s. 10. r. 15.

22. No convicted Criminal Prisoner shall be allowed any Wine, Beer, or other fermented Liquor, except under a written Order from the Surgeon, to be entered in his Journal, specifying the Quantity and the Name of the Prisoner for whose Use it is intended, or shall receive any Food, Clothing, Bedding, or Necessaries other than the Prison Allowance, except under special Circumstances, to be judged of by One or more of the Visiting Justices, and to be reported to the Prison Authority

Dress of convicted Criminal. 4 G. 4. c 64. s. 10. r. 17.

23. A convicted Criminal Prisoner shall be provided with a complete Prison Dress, and shall be required to wear it.

Return of Clothing to discharged Prisoner.

24. On the Discharge of a Prisoner his own Clothes shall be returned to him unless it has been found necessary to destroy them, in which Case he shall be provided with Clothing.

Purification of Clothing of Prisoner.

25. If necessary, the Clothes of a Prisoner shall be purified before he is allowed to wear them in the Prison or to take them on his Discharge.

Beds. 4 G. 4. c. 64. s. 10. r. 18.

26. Every Male Prisoner shall sleep in a Cell by himself, or under special Circumstances in a separate Bed placed in a Cell containing not fewer than Two other Male Prisoners, and sufficient Bed Clothes shall be provided for every Prisoner. A convicted Criminal Prisoner may be required to sleep on a Plank Bed without a Mattrass during such Time as may be determined by the Rules of the Prison. Epileptic Prisoners, or Prisoners labouring under Diseases requiring Assistance or Supervision in the Night, may at any Time, notwithstanding this Regulation, be placed by Order of the Surgeon with not fewer than Two other Male Prisoners.

Bedding.

27. The Bed Clothes shall be aired, changed, and washed as often as the Surgeon or the Visiting Justices may direct.

Personal Cleanliness.

Personal Cleanliness of Prisoners. 4 G. 4. c. 64. s. 10. r. 19.

28. Prisoners shall be required to keep themselves clean and decent in their Persons, and to conform to such Rules as may be laid down for that Purpose.

Hair cutting.

29. The Hair of a Female Prisoner shall not be cut without her Consent, except on account of Vermin or Dirt, or when the Surgeon deems it requisite on the Ground of Health, and the Hair of Male Criminal Prisoners shall not be cut closer than may be necessary for Purposes of Health and Cleanliness.

Employment of Prisoners.

Prohibition of Gaming. 4 G. 4. c. 64. s. 10. r. 22.

30. No Gaming shall be permitted in any Prison, and the Gaoler shall seize and destroy all Dice, Cards, or other Instruments of Gaming.

Work and Earnings of Debtors.

31. Debtors may be permitted to work and follow their respective Trades and Professions, provided their Employment does not interfere with the Regulations of the Prison; and such Debtors as find their own Implements, and are not maintained at the Expense of the Prison, shall be allowed to receive the whole of their Earnings; but the Earnings of such as are furnished with Implements, or are maintained at the Expense of the Prison, shall be subject to a Deduction, to be determined by the Visiting Justices, for the Use of Implements and the Cost of Maintenance.

Employment of Criminal Prisoners before Trial. 5 G. 4. c. 85.

32. Criminal Prisoners before Trial shall have the Option of Employment, but shall not be compelled to perform any Hard Labour.

Allowance out of Earnings to acquitted Prisoners. 2 & 3 Vict. c. 56. s. 8.

33. On the Acquittal of any Criminal Prisoner, or when no Bill of Indictment is found against him, such an Allowance on account of his Earnings, if any, shall be paid to such Prisoner on his Discharge as the Visiting Justices may think reasonable.

Regulations as to Hard Labour of the First Class.

34. Every Male Prisoner of Sixteen Years of Age and upwards, sentenced to Hard Labour, shall, during the whole of his Sentence where it does not exceed Three Months, and during the First Three Months of his Sentence where it exceeds Three Months, be kept at Hard Labour of the First Class for such Number of Hours not more than Ten or less than Six (exclusive of Meals) as may be prescribed by the Visiting Justices, and during the Remainder of his Sentence shall be kept in like Manner at Hard Labour of the First Class, except where during such Remainder of his Sentence the Visiting Justices substitute Hard Labour of the Second Class for Hard Labour of the First Class; provided that if the Surgeon certifies any such Prisoner to be unfit to be kept at Hard Labour of the First Class during the whole or any Part of the prescribed Hours, such Prisoner shall, during such whole or Part of the prescribed Hours, be kept at Hard Labour of the Second Class, unless the Surgeon certifies that such Prisoner is unfit to be kept at either Class of Hard Labour during the whole or any Part of such Hours; provided that Prisoners sentenced to Hard Labour for Periods not exceeding Fourteen Days may, in pursuance of Rules made by the Justices in Sessions, be kept in separate Confinement at Hard Labour of the Second Class during the whole Period of their Sentences.

Regulations as to Hard Labour of the Second Class.

35. Every Male Prisoner under the Age of Sixteen Years sentenced to Hard Labour, and every Female Prisoner sentenced to Hard Labour, shall be kept at Hard Labour of the Second Class during such Number of Hours not more than Ten or less than Six (exclusive of Meals) in each Day as may be prescribed by the Visiting Justices, unless the Surgeon certifies that he or she is unfit for Hard Labour.

Days of Exemption from Hard Labour.

36. No Prisoner shall be employed at Hard Labour on Sundays, Christmas Day, Good Friday, and Days appointed for Public Fasts or Thanksgivings.

37. The

37. The Surgeon shall from Time to Time examine the Prisoners sentenced to Hard Labour during the Time of their being so employed, and shall enter in his Journal the Name of any Prisoner whose Health he thinks to be endangered by a Continuance at Hard Labour, of either Class, and thereupon such Prisoner shall not again be employed at such Class of Hard Labour until the Surgeon certifies that he is fit for such Employment. Examination by Surgeon of Prisoners at Hard Labour.

38. Provision shall be made by the Visiting Justices for the Employment of all convicted Criminal Prisoners not sentenced to Hard Labour. The Visiting Justices shall make Rules as to the Amount and Nature of such Employment, but no Prisoner not sentenced to Hard Labour shall be punished for Neglect of Work, excepting by such Alteration in the Scale of Diet as may be established by the Rules of the Prison in the Case of Neglect of Work by such Prisoners. Employment of Prisoners not sentenced to Hard Labour

Health of Prisoners.

39. Debtors shall have the Means of daily taking Exercise in the open Air. Exercise of Debtors.

40. Criminal Prisoners, if employed at Work in their own Cells, shall be permitted to take such Exercise in the open Air as the Surgeon may deem necessary for their Health. Of Prisoners in separate Confinement.

41. The Names of the Prisoners who desire to see the Surgeon, or appear out of Health, shall be reported by the Officer attending them to the Gaoler, and by him without Delay to the Surgeon. When Prisoners to be reported to Surgeon.

42. All Directions given by the Surgeon in relation to any Prisoner, with the Exception of Orders for the Supply of Medicines or Directions in relation to such Matters as are carried into effect by the Surgeon himself or under his Superintendence, shall be entered Day by Day in his Journal, which shall have a separate Column in which Entries are to be made by the Gaoler, stating in respect of each Direction the Fact of its having been or not having been complied with, accompanied by such Observations, if any, as the Gaoler may think fit to make, and the Date of the Entry. Entry of Directions by Surgeon.

43. In every Prison an Infirmary or proper Place for the Reception of sick Prisoners shall be provided. Infirmaries.

Religious Instruction.

44. In every Prison where there is no Chapel a suitable Room shall be set apart for the Purposes of the Chapel. Room for Use as Chapel.

45. Prayers to be selected by the Chaplain from the Liturgy of the Established Church shall be read daily by the Chaplain, Gaoler, or such other Person as may be appointed by the Visiting Justices, and at such Time or Times as may be fixed by them, and Portions of the Scriptures shall be read to the Prisoners, when assembled for Religious Instruction, by the Chaplain, or by such Person, with the Consent of the Visiting Justices, as he may appoint. Prayers. 4 G. 4. c. 64. s. 10. r. 9. 4 G. 4. c. 64. s. 30.

46. The Chaplain shall on every Sunday, and on Christmas Day and Good Friday, perform the appointed Morning and Evening Services of the Established Church, and preach at such Time or Times as shall be fixed by him with the Approval of the Visiting Justices. He shall give Religious Instruction to the Prisoners who are willing to receive it. He shall administer the Holy Sacrament of the Lord's Supper on suitable Occasions to such Prisoners as shall be desirous, and as he may deem to be in a proper Frame of Mind Performance of Divine Service.

to receive the same. He shall frequently visit every Room and Cell of the Prison occupied by Prisoners, and shall direct such Books to be distributed and read and such Lessons to be taught in the Prison as he may deem proper for the Religious Instruction of the Prisoners. Criminal Prisoners shall attend Divine Service on Sundays, and on other Days when such Service is performed, unless prevented by Illness or other reasonable Cause, to be allowed by the Gaoler, or unless their Attendance is dispensed with by the Visiting Justices: This Regulation shall not apply to any Prisoner who is attended or visited by a Minister of a Church or Persuasion differing from the Established Church: And no Prisoner shall be compelled to attend any Religious Service held or performed, or any Religious Instruction given, by the Chaplain, Minister, or Religious Instructor of a Church or Persuasion to which the Prisoner does not belong.

4 G. 4. c. 64. s. 10. r. 11. 26 & 27 Vict. c. 79. s. 5.

Ministers to visit Prisoners under certain Restrictions. 4 G. 4. c. 64. s. 31. 26 & 27 Vict. c. 79. s. 3.

47. If any Prisoner is of a Religious Persuasion differing from that of the Established Church, and no Minister has been appointed to attend at the Prison on the Prisoners of that Persuasion, the Visiting Justices shall permit a Minister of such Persuasion to be approved by them to visit such Prisoner at proper and reasonable Times, under such Restrictions as may be imposed by the Visiting Justices to guard against the Introduction of improper Persons and prevent improper Communications, unless such Prisoner expressly objects to see such Minister.

Books and Printed Papers. 2 & 3 Vict. c. 56. s. 6. r. 8.

48. No Books or Printed Papers shall be admitted into any Prison for the Use of the Prisoners, except by Permission of the Visiting Justices; and no Books or Printed Papers intended for the Religious Instruction of Prisoners belonging to the Established Church shall be admitted but those chosen by the Chaplain; provided that in case there may be a Difference of Opinion between the Chaplain and Visiting Justices with respect to Books or Papers proposed to be admitted for the Religious Instruction of a Prisoner belonging to the Established Church, Reference shall be had to the Bishop of the Diocese, whose Decision shall be final; and, subject to such Permission of the Visiting Justices as aforesaid, all Books or Printed Papers admitted into any Prison for the Religious Instruction of Prisoners belonging to any other Persuasion, and who are visited by a Minister of such Persuasion, shall be approved by such Minister; and the Gaoler shall keep a Catalogue of all Books and Printed Papers admitted into the Prison.

Chaplain to communicate Abuses to Gaoler. 4 G. 4. c. 64. s. 30.

49. The Chaplain shall communicate to the Gaoler any Abuse or Impropriety in the Prison which may come to his Knowledge, and shall enter the same in a Journal to be kept by him.

Assistant Chaplain and Chaplain's Substitute.

50. Where an Assistant Chaplain is appointed to a Prison, he shall be competent to perform any Duty required by Law to be performed by the Chaplain, and when either of them, the Chaplain or Assistant Chaplain, is absent from the Prison, the other shall take his Duties. Where there is no Assistant Chaplain, or in case of his Services not being available by reason of Sickness or other unavoidable Cause, the Chaplain shall, when absent from the Prison on Leave or from any unavoidable Cause, appoint, with the Consent of the Visiting Justices, a Substitute, and insert his Name and Residence in his Journal. In the event of any sudden Cause preventing the Chaplain from performing his Duties, he may accept the Assistance of a Clergyman of the Established Church in the Performance of Divine Service

Service in the Chapel, inserting the Fact, and the Name of such Clergyman, in his Journal.

Substitute for Prison Minister.

51. A Minister appointed under the Prison Ministers Act, 1863, may, when absent on Leave, or from any unavoidable Cause, appoint a Substitute with the Consent of the Visiting Justices.

Substitute on Death of Chaplain or Minister.

52. In the event of the Death of any Chaplain or Assistant Chaplain of a Prison, or of a Minister appointed under the Prison Ministers Act, 1863, the Visiting Justices shall provide a Substitute until the next Meeting of the Justices in Sessions.

Instruction.

Instruction of Prisoners. 4 G. 4. c. 64. s. 10. r. 10.

53. Provision shall be made in every Prison for the Instruction of Prisoners in Reading, Writing, and Arithmetic during such Hours and to such Extent as to the Visiting Justices may seem expedient, provided that such Hours shall not be deducted from the Hours prescribed for Hard Labour.

Visits to and Communications with Prisoners.

Communication with Prisoners.

54. Due Provision shall be made for the Admission, at proper Times and under proper Restrictions, of Persons with whom Prisoners before Trial may desire to communicate; Care being taken that, so far as is consistent with the Interests of Justice, such Prisoners shall see their legal Advisers alone; such Rules also shall be made by the Justices in Sessions assembled for the Admission of the Friends of convicted Prisoners as they may deem expedient; the Justices shall also impose such Restrictions upon the Communication and Correspondence of Prisoners with their Friends as they judge necessary for the Maintenance of good Order and Discipline in such Prison.

Power of Gaoler as to Visitors.

55. The Gaoler may demand the Name and Address of any Visitor to a Prisoner; and, when he has any Ground for Suspicion, may search or cause to be searched Male Visitors, and may direct the Matron or some other Female Officer to search Female Visitors; such Search not to be in the Presence of any Prisoner or of another Visitor; and in case of any Visitor refusing to be searched, the Gaoler may deny him or her Admission; the Grounds of such Proceeding, with the Particulars thereof, to be entered in his Journal.

Prison Offences.

General Regulation as to Punishment.

56. No Punishments or Privations of any kind shall be awarded, except by the Gaoler, or by a Visiting or other Justice.

Gaoler to punish for Prison Offences. 4 G. 4. c. 64. s. 41.

57. The Gaoler shall have Power to hear Complaints respecting any of the Offences following; that is to say,

1. Disobedience of the Regulations of the Prison by any Prisoner;
2. Common Assaults by one Prisoner on another;
3. Profane cursing and swearing by any Prisoner;
4. Indecent Behaviour by any Prisoner;
5. Irreverent Behaviour at Chapel by any Prisoner;
6. Insulting or threatening Language by any Prisoner to any Officer or Prisoner;
7. Absence from Chapel without Leave by any Criminal Prisoner;
8. Idleness or Negligence at Work by any convicted Criminal Prisoner;
9. Wilful Mismanagement of Work by any convicted Criminal Prisoner.

All the above Acts are declared to be Offences against Prison Discipline; and it shall be lawful for the Gaoler to examine any Person touching such Offences, and to determine thereupon, and to punish such Offences by ordering any Offender, for any Time not exceeding Three Days, to close Confinement, to be kept there upon Bread and Water. And the Gaoler shall enter in a separate Book called the Punishment Book a Statement of the Nature of any Offence that he has punished in pursuance of this Regulation, with the Addition of the Name of the Offender, the Date of the Offence, and the Amount of Punishment inflicted.

Punishment of Prisoners by Visiting Justices. 4 G. 4. c. 64. s. 42.

58. If any Criminal Prisoner is guilty of repeated Offences against Prison Discipline, or is guilty of any Offence against Prison Discipline, which the Gaoler is not by this Act empowered to punish, the Gaoler shall report the same to the Visiting Justices, or One of them; and any One of such Justices, or any other Justice having Jurisdiction in the Place to which the Prison belongs, shall have Power to inquire upon Oath and to determine concerning any Matter so reported to him, and to order the Offender to be punished by Confinement in a Punishment Cell for any Term not exceeding One Month, or, in the Case of Prisoners convicted of Felony or sentenced to Hard Labour, by personal Correction.

Use of Irons. 4 G. 4. c. 64. s. 10. r. 12. 2 & 3 Vict. c. 56. s. 6. r. 6.

59. No Prisoner shall be put in Irons or under mechanical Restraint by the Gaoler of any Prison, except in case of urgent Necessity; and the Particulars of every such Case shall be forthwith entered in the Gaoler's Journal, and Notice forthwith given thereof to One of the Visiting Justices; and no Prisoner shall be kept in Irons or under mechanical Restraint for more than Twenty-four Hours without an Order in Writing from a Visiting Justice, specifying the Cause thereof, and the Time during which the Prisoner is to be kept in Irons or under mechanical Restraint, which Order shall be preserved by the Gaoler as his Warrant.

Corporal Punishments.

60. All Corporal Punishments within the Prison shall be attended by the Gaoler and the Surgeon. The Surgeon shall give such Orders for preventing Injury to Health as he may deem necessary, and it shall be the Duty of the Gaoler to carry them into effect, and the Gaoler shall enter in the Punishment Book the Hour at which the Punishment is inflicted, the Number of Lashes, and any Orders which the Surgeon may have given on the Occasion.

Prisoners under Sentence of Death.

Prisoners under Sentence of Death.

61. Every Prisoner under Warrant or Order for Execution shall, immediately on his Arrival in the Prison after Sentence, be searched by or by the Orders of the Gaoler, and all Articles shall be taken from him which the Gaoler deems dangerous or inexpedient to leave in his Possession. He shall be confined in a Cell apart from all other Prisoners, and shall be placed by Day and by Night under the constant Charge of an Officer. He shall be allowed such a Dietary and Amount of Exercise as the Gaoler, with the Approval of the Visiting Justices, may direct. The Chaplain shall have free Access to every such Prisoner, unless the Prisoner be of a Religious Persuasion differing from that of the Established Church, and be visited by a Minister of such Persuasion, in which Case the Minister of such Persuasion shall have free Access to him. With the above Exceptions, no Person, not being a

Visiting

Visiting Justice or an Officer of the Prison, shall have Access to the Prisoner except in pursuance of an Order from a Visiting Justice.

During the Preparation for an Execution, and the Time of the Execution, no Person shall enter the Prison who is not legally entitled to do so, unless in pursuance of an Order in Writing from Two or more Visiting Justices.

Prison Officers.

Regulation as to Employment of Prisoners in Prison Offices. 2 & 3 Vict. c. 56. s. 6. r. 4.

62. No Prisoner shall be employed as Turnkey, Assistant Turnkey, Wardsman, Yardsman, Overseer, Monitor, or Schoolmaster, or in the Discipline of the Prison, or in the Service of any Officer thereof, or in the Service or Instruction of any other Prisoner. But this Regulation shall not be taken to prevent the Employment of any Debtor in that Part of the Prison in which he may be lawfully confined in any Manner in which he may be willing to be employed, and which is consistent with his safe Custody.

Prison Officers to be Constables.

63. Every Prison Officer, while acting as such, shall, by virtue of his Appointment, and without being sworn in before any Justice, be deemed to be a Constable, and to have all such Powers, Authorities, Protection, and Privileges for the Purpose of the Execution of his Duty as a Prison Officer as any Constable duly appointed has within his Constablewick by Common Law, Statute, or Custom.

Officers not to sell or let to Prisoners. 4 G. 4. c. 64. s. 10. r. 1. 2 & 3 Vict. c. 56. s. 6. r. 1.

64. No Officer of a Prison shall sell or let to, nor shall any Person in trust for or employed by him sell or let to, or derive any Benefit from the selling or letting of any Article to any Prisoner.

Officers not to contract with Prisoners. 4 G. 4. c. 64. s. 10. r. 1.

65. No Officer of a Prison shall, nor shall any Person in trust for or employed by him, have any Interest, direct or indirect, in any Contract for the Supply of the Prison.

Officers not to take Gratuities.

66. No Officer of a Prison shall at any Time receive Money, Fee, or Gratuity of any Kind for the Admission of any Visitors to the Prison or to Prisoners.

Females to be attended by Female Officers. 4 G. 4. c. 64. s. 10. r. 7.

67. Female Prisoners shall, in all Cases, be attended by Female Officers.

Gaoler.

Residence of Gaoler. 4 G. 4. c. 64. s. 1. r. 1.

68. The Gaoler shall reside in the Prison. He shall not be an Under Sheriff or Bailiff, or be concerned in any other Employment.

Gaoler to conform to Law and Regulations of Prison.

69. The Gaoler shall strictly conform to the Law relating to Prisons and to the Prison Regulations, and shall be responsible for the due Observance of them by others. He shall observe the Conduct of the Prison Officers, and enforce on each of them the due Execution of his Duties, and shall not permit any subordinate Officer to be employed in any private Capacity, either for any other Officer of the Prison, or for any Prisoner.

May suspend subordinate Officers.

70. The Gaoler shall, in case of Misconduct, have Power to suspend any subordinate Officer, and shall report the Particulars without Delay to a Visiting Justice.

To inspect the Prison daily. 4 G. 4. c. 64. s. 10. art. 3., 2 & 3 Vict. c. 56. s. 6. art. 2.

71. The Gaoler shall, as far as practicable, visit the whole of the Prison, and see every Male Prisoner once at least in every Twenty-four Hours, and in default of such daily Visits and Inspections he shall state in his Journal how far he has omitted them, and the Cause thereof. He shall, at least

least once during the Week, go through the Prison at an uncertain Hour of the Night, which Visit, with the Hour and State of the Prison at the Time, he shall record in his Journal. When visiting the Females' Prison he shall be attended by the Matron or some other Female Officer.

To post up in Cells Abstract of certain Regulations.

72. The Gaoler shall cause an Abstract to be approved by the Secretary of State of the Regulations relating to the Treatment and Conduct of Prisoners, with a Copy of the Prison Dietaries, (printed in legible Characters,) to be posted in each Cell; and shall read or cause the same to be read to every Prisoner who cannot read within Twenty-four Hours after his Admission.

To report to Surgeon Prisoners disordered in Mind.

73. The Gaoler shall without Delay call the Attention of the Surgeon to any Prisoner whose State of Mind or Body appears to require Attention; and shall carry into effect the written Directions of the Surgeon respecting Alterations of the Discipline or Treatment of any such Prisoner.

To notify to Chaplain and Surgeon Prisoners requiring their Attention.

74. The Gaoler shall notify to the Surgeon without Delay the Illness of any Prisoner; and shall deliver to him daily a List of such Prisoners as complain of Illness, or are removed to the Infirmary, or confined to their Cells by Illness; and he shall daily deliver to the Chaplain and Surgeon Lists of such Prisoners as are confined in Punishment Cells.

To give Notice of Death of Prisoners. 4 G. 4. c. 64. s. 30.

75. Upon the Death of a Prisoner the Gaoler shall give immediate Notice thereof to the Coroner of the District to which the Prison belongs, and to One of the Visiting Justices, as well as to the nearest Relative of the Deceased, where practicable.

To report to Visiting Justices Insane Prisoners.

76. The Gaoler shall without Delay report to the Visiting Justices any Case of Insanity or apparent Insanity occurring among the Prisoners.

To keep enumerated Books and Accounts. 4 G. 4. c. 64. s. 10. r. 4.

77. The Gaoler shall keep the following Books and Accounts:—

First, The Register required by the Prison Ministers Act, 1863, to be kept of the Church or Religious Persuasion to which each Prisoner belongs.

Second, A Journal in which he shall record all such Matters as he is directed to record therein by this Act, and all other Occurrences of Importance within the Prison.

Third, A Nominal Record of all Prisoners committed to his Charge, in such Form as may be directed by the Visiting Justices, and with sufficient Space for the Entries by this Act directed to be made therein by the Surgeon.

Fourth, A Punishment Book for the Entry of the Punishments inflicted for Prison Offences.

Fifth, A Visitors Book for the Entry of any Observations made by Visitors to the Prison.

Sixth, A Book for the Entry of Articles taken from Prisoners.

Seventh, A Record of the Employment of Prisoners sentenced to Hard Labour, and the Manner in which they have been so employed.

Eighth, A List of Books and Documents committed to his Care.

Ninth, An Inventory of all the Furniture and movable Property belonging to the Prison.

Tenth, An Account of all Prison Receipts and Disbursements.

To be responsible for safe Custody of Documents.

78. The Gaoler shall be responsible for the safe Custody of the Journals, Registers, Books, Commitments, and all other Documents confided to his Care.

79. The

79. The Gaoler shall not be absent from the Prison for a Night without Permission in Writing from a Visiting Justice ; and his Leave of Absence, with the Name of the Visiting Justice granting it, shall be entered in his Journal ; but if absent without Leave for a Night from unavoidable Necessity, he shall state the Fact and the Cause of it in his Journal. Not to be absent without Leave.

80. Where a Deputy Gaoler is appointed to a Prison he shall be legally competent to perform any Duty required by Law to be performed by the Gaoler, and when the Gaoler is absent from the Prison, the Deputy Gaoler shall perform all his Duties. Where there is no Deputy Gaoler, or in case of his Services not being available by reason of Sickness or other unavoidable Cause, the Gaoler shall, when absent from the Prison on Leave, appoint, with the Consent of the Visiting Justices, an Officer of the Prison to act as his Substitute, and during such Absence the Substitute so appointed shall have all the Powers and perform all the Duties of the Gaoler. Power of Deputy Gaoler. 2 & 3 Vict. c. 56. s. 57.

The Deputy Gaoler when in charge of the Prison as Gaoler shall, if absent from the Prison from any unavoidable Cause, or unable from Sickness to perform his Duties, appoint a Substitute with the Sanction of the Visiting Justices. Substitute of Deputy Gaoler.

Matron.

81. The Matron shall reside in the Prison. She shall have the Care and Superintendence of the whole Female Department. The Wards, Cells, and Yards where Females are confined shall be secured by Locks different from those securing the Wards, Cells, and Yards allotted to Male Prisoners, and the Keys of those Locks shall be kept in the Custody of the Matron. General Duties. 4 G. 4. c. 64. s. 10. r. 2. 2 & 3 Vict. c. 56. s. 6. r. 3.

82. The Matron shall, so far as practicable, visit and inspect every Part of the Prison occupied by Females, and see every Female Prisoner once at least in every Twenty-four Hours, and in default of such daily Visits and Inspections she shall state in her Journal how far she has omitted them, and the Cause thereof. She shall, at least once during the Week, go through such Part of the Prison at an uncertain Hour of the Night, which Visit, with the Hour and State of such Part of the Prison at the Time, shall be recorded in her Journal. To inspect daily Female Prison.

83. The Matron shall not be absent from the Prison for a Night without Permission in Writing from a Visiting Justice on the Recommendation of the Gaoler ; and her Leave of Absence, with the Name of the Visiting Justice granting it, shall be entered in her Journal ; but if absent without Leave for a Night from unavoidable Necessity she shall state the Fact, and the Cause of it, in her Journal. Not to be absent without Leave.

84. The Matron shall, with the Consent of the Gaoler, and with the Approval of the Visiting Justices, appoint a Female Officer of the Prison to act as Deputy Matron whenever she is absent on Leave from the Prison ; and during such Absence the Deputy Matron shall have all the Powers and Duties of the Matron. Before leaving the Prison the Matron shall personally give over the Charge of the Part of the Prison occupied by Females to the Deputy Matron. To appoint Deputy when absent.

85. The Matron shall keep a Journal in which she shall record all Occurrences of Importance within her Department, and Punishments of Female Prisoners ; To keep Journal.

and lay the Journal before the Gaoler daily, and before the Visiting Justices at their Ordinary Meetings.

Surgeon.

When to visit Prison. 4 G. 4. c. 64. s. 33.

86. The Surgeon shall visit the Prison at least twice in every Week, and oftener if necessary, and shall see every Prisoner in the Course of the Week. He shall daily visit the Prisoners, if any, confined in Punishment Cells, and he shall visit daily, and oftener if necessary, such of the Prisoners as are sick, and, when necessary, shall direct any Prisoner to be removed to the Infirmary.

To make daily Record respecting sick Prisoners. 2 & 3 Vict. c. 56. s. 6. r. 5.

87. The Surgeon shall enter, in the English Language, Day by Day, in his Journal to be kept in the Prison, an Account of the State of every sick Prisoner, the Name of his Disease, a Description of the Medicines and Diet, and any other Treatment which he may order for such Prisoner.

Occasionally to inspect every Part of Prison, &c.

88. The Surgeon shall, once at least in every Three Months, inspect every Part of the Prison, and enter in his Journal the Result of each Inspection, recording therein any Observations he may think fit to make on any Want of Cleanliness, Drainage, Warmth, or Ventilation; any bad Quality of the Provisions, any Insufficiency of Clothing or Bedding, any Deficiency in the Quantity or Defect in the Quality of the Water, or any other Cause which may affect the Health of the Prisoners.

To report special Cases.

89. Whenever the Surgeon has Reason to believe that the Mind of a Prisoner is or is likely to be injuriously affected by the Discipline or Treatment, he shall report the Case in Writing to the Gaoler, together with such Directions as he may think proper; and he shall call the Attention of the Chaplain to any Prisoner who appears to require his special Notice.

To call in additional Medical Aid.

90. The Surgeon may, in any Case of Danger or Difficulty which appears to him to require it, call in additional Medical Assistance; and no serious Operation shall be performed without a previous Consultation being held with another Medical Practitioner, except under Circumstances not admitting of Delay; such Circumstances to be recorded in his Journal.

To make Entries as to Death of Prisoner.

91. The Surgeon shall, forthwith on the Death of any Prisoner, enter in his Journal the following Particulars; viz., at what Time the Deceased was taken ill, when the Illness was first communicated to the Surgeon, the Nature of the Disease, when the Prisoner died, and an Account of the Appearances after Death (in Cases where a post mortem Examination is made), together with any special Remarks that appear to him to be required.

To appoint Substitute when absent.

92. In case of Sickness, necessary Engagement, or Leave of Absence, to be given by the Visiting Justices, the Surgeon shall appoint a Substitute, to be approved of by the Visiting Justices. The Name and Residence of the Substitute shall be entered in his Journal.

PRISON OFFICERS.

Officers to obey Gaoler.

93. All Officers of the Prison shall obey the Directions of the Gaoler, subject to the Regulations of this Act, and all subordinate Officers shall perform such Duties as may be directed by the Gaoler, with the Sanction of the Visiting Justices, and the Duties of each subordinate Officer shall be inserted in a Book to be kept by him.

94. Subordinate

94. Subordinate Officers shall not be absent from the Prison without Leave from the Gaoler; and before absenting themselves they shall leave their Keys, Instruction Book, and Report Book in the Gaoler's Office. Not to be absent without Leave.

95. Subordinate Officers shall not be permitted to receive any Visitors within the Prison without Permission of the Gaoler. Not to receive Visitors without Leave.

96. All subordinate Officers shall frequently examine the State of the Cells, Bedding, Locks, Bolts, &c., and shall seize all prohibited Articles, and deliver them to the Gaoler forthwith. To examine Cells, Locks, &c.

Porter.

97. The Officer acting as Gate Porter may examine all Articles carried in or out of the Prison, and may stop any Person suspected of bringing in Spirits or other prohibited Articles into the Prison, or of carrying out any Property belonging to the Prison, giving immediate Notice thereof to the Gaoler. Duties of Gate Porter.

Reports.

98. Within One Week after the Termination of every Assize or Court of Quarter Sessions, the Gaoler shall transmit by Post to One of Her Majesty's Principal Secretaries of State a Calendar containing the Names, Crimes, and Sentences of every Prisoner tried at such Assize or Court of Quarter Sessions in such Form and containing such Particulars as may be required by the Secretary of State; and whenever such Court adjourns for any longer Time than One Week, the Day upon which the Adjournment is made shall be deemed the Termination of the Session within the Meaning of this Regulation; and every adjourned Session for the Trial of Prisoners shall, for the Purposes of this Act, be deemed a separate Session; and every Gaoler who neglects or refuses to transmit such Calendar, or wilfully transmits a Calendar containing any false or imperfect Statement, shall for every such Offence forfeit a Sum not exceeding Twenty Pounds, to be recovered summarily. Gaoler to transmit List of Prisoners to Secretary of State. 4 G. 4. c. 64. s. 20.

99. The Gaoler of every Prison shall once at least in each Quarter of a Year attend the Justices in Sessions assembled at such Time as they may appoint, and produce for their Inspection the following Books kept by him, that is to say, the Register kept in pursuance of the Prison Ministers Act, 1863, the Journal, the Nominal Record, the Punishment Book, the Visitors Book, the Book for Entry of Articles taken from Prisoners, the Record of the Employment of Prisoners, the List of Books and Documents committed to his Care, the Inventory and the Account of Prison Receipts and Disbursements, and each of the said Books and Documents when produced shall be signed by the Chairman of the Justices in proof of their having been produced. The Gaoler shall also at such Sessions answer, on Oath if required, the Inquiries of the Justices with respect to the Condition of the Prison and of the Prisoners, and with respect to any other Matters relating thereto. He shall at the same Time present a Certificate, signed by himself, containing a Declaration how far the Requisitions of this Act with respect to the Separation of Prisoners and Enforcement of Hard Labour have been complied with, and shall point out any Deviation therefrom which has taken place since his last Attendance at Sessions. Gaoler to attend Sessions, and make Report. 4 G. 4. c. 64. ss. 14, 21.

Journals and Reports of Chaplain and Surgeon.

4 G. 4. c. 64. s. 33.

100. The Journals of the Chaplain and Surgeon shall, once at least in each Quarter of a Year, be laid before the Justices in Sessions assembled, at such Time as they may appoint, and shall be signed by the Chairman of the Sessions in proof of the same having been there produced. The Chaplain shall once in the Year, and he may at any Sessions, deliver to the Justices in Sessions assembled a Statement of the Condition of the Prison to which he is attached, and his Observations thereon; and the Surgeon shall, once at least in each Quarter of a Year, report to the Justices in Sessions assembled the Condition of the Prison, and the State of Health of the Prisoners under his Care.

4 G. 4. c. 64. s. 30.

Record of Visits of Chaplain and Non-resident Officers.

4 G. 4. c. 64. s. 34.

101. There shall be kept in every Prison a Book, to be called the Non-resident Officers Book, in which the Chaplain and any other Officer of the Prison not residing within the Prison but attending on or required to attend on such Prison, shall regularly enter the Date of every Visit made to the Prison by such Officer; and every Entry shall be signed with the Name and be in the Handwriting of such Officer, and such Book shall, once at least in each Quarter of a Year, be laid before the Justices in Sessions assembled at such Time as they may appoint, and shall be signed by the Chairman of the Sessions in proof of the same having been produced. The Gaoler of every Prison shall be responsible for the safe Custody of such Book, and shall at all Times, when required so to do, produce it for Inspection to the Visiting Justices, or to any Justice of the Peace for the County, Riding, Division, Hundred, District, City, Town, or Place to which the Prison belongs.

Construction and Application of Schedule.

Rules as to Prisoners not Debtors or Criminals.

102. Subject to the Provisions of this Act, the Justices in Sessions assembled shall make such Rules as they think expedient with respect to the Classification and Treatment of Prisoners who are not Debtors and are not Criminal Prisoners within the Meaning of this Act.

Construction of Word "Regulation."

103. Any Rules made by the Justices in Sessions assembled, or by the Visiting Justices, and any Dietary Tables framed in pursuance of this Act, shall be deemed to be Regulations of the Prison within the Meaning of this Act.

Definition of Subordinate Officers.

104. All Officers of a Prison shall be deemed to be Subordinate Officers with the Exception of the Gaoler, the Chaplain, the Surgeon, the Matron, and any Minister appointed under the Prison Ministers Act.

SCHE-

SCHEDULE II.

Prisons of	Legal Character of Prison.	County.
Aberystwith - - -	Borough Prison	Cardigan.
Bradninch - - -	„ - -	Devon.
Faversham - - -	„ - -	Kent.
Helstone - - -	„ - -	Cornwall.
King's Lynn - - -	„ - -	Norfolk.
Lichfield - - -	„ - -	Stafford.
Maldon - - - -	„ - -	Essex.
Newcastle-under-Lyme - -	„ - -	Stafford.
Penzance - -	„ - -	Cornwall.
Richmond - - -	„ - -	York.
Romney Marsh - - -	Liberty - -	Kent.
Rye - - - -	Borough - -	Sussex.
South Molton - - -	„ - -	Devon.
Tenterden - - -	„ - -	Kent.

SCHEDULE III.

LIST OF ACTS REPEALED.

Date.	Title of Act.	Extent of Repeal.
4 Geo. 4. c. 64. -	An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.	The whole Act.
5 Geo. 4. c. 85. -	An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales.	The whole Act.
6 Geo. 4. c. 40. -	An Act to enable Justices of the Peace in England in certain Cases to borrow Money on Mortgage of the Rate of the City, Riding, or Place for which such Justices shall be then acting.	The whole Act.
7 Geo. 4. c. 18. -	An Act to authorize the Disposal of unnecessary Prisons in England.	The whole Act.
5 & 6 W. 4. c. 38.	An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain.	Secs. 2, 5, 6, 11, and 12.

Date.	Title of Act.	Extent of Repeal.
5 & 6 W. 4. c. 76.	An Act to provide for the Regulation of Municipal Corporations in England and Wales.	Secs. 115 and 116.
6 & 7 W. 4. c. 105.	An Act for the better Administration of Justice in certain Boroughs.	Secs. 1 and 2.
1 Vict. c. 78.	An Act to amend an Act for the Regulation of Municipal Corporations in England and Wales.	Secs. 37 and 38.
2 & 3 Vict. c. 56.	An Act for the better ordering of Prisons	The whole Act, except Secs. 18, 19, 20, and 21, and except Secs. 22 and 23 so far as they relate to Prisons or Places of Confinement to which this Act does not extend.
3 & 4 Vict. c. 25.	An Act to amend the Act for the better ordering of Prisons.	The whole Act.
5 & 6 Vict. c. 53.	An Act to encourage the Establishment of District Prisons.	The whole Act.
5 & 6 Vict. c. 98.	An Act to amend the Law relating to Prisons.	Secs. 1, 2, 4, 8, 9, 13, 25, and 30, so far as the said Sections relate to Prisons within the Provisions of this Act.
7 & 8 Vict. c. 50.	An Act to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons.	The whole Act.
7 & 8 Vict. c 93.	An Act to enable Barristers to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts.	The whole Act.
11 & 12 Vict. c. 39.	An Act to facilitate the raising of Money by Corporate Bodies for building or repairing Prisons.	The whole Act.
16 & 17 Vict. c. 43.	An Act for enabling the Justices of Counties to contract in certain Cases for the Maintenance and Confinement of convicted Prisoners in the Gaols of adjoining Counties.	The whole Act.
25 & 26 Vict. c. 44.	An Act to amend the Law relating to the giving of Aid to discharged Prisoners.	Secs. 2 and 3.
26 & 27 Vict. c. 79.	An Act for the Amendment of the Law relating to the religious Instruction of Prisoners in County and Borough Prisons in England and Scotland.	So much of Section 3 as is inconsistent with the Provisions of this Act, and the whole of Section 5, but so far only as relates to Prisons to which this Act applies.

To be substituted for the Bill already delivered.

Prisons.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To consolidate and amend the Law relating to Prisons.

(*Prepared and brought in by Sir George Grey and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed,* 11 *May* 1865.

[Bill 141.] +–

Under 7 *oz.*

A

B I L L

TO

Repeal the Thirty-third Section of the Prisons (Scotland) Act, and to make certain Provisions in lieu thereof.

WHEREAS an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and five, intituled "An Act to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland," and it is expedient that the said recited Act should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 23 & 24 Vict. c. 105.

1. The Thirty-third Section of the said recited Act is hereby repealed, and instead thereof, be it enacted as follows: Thirty-third Section of recited Act repealed.

At any Meeting to be held for that Purpose, which may be either the First Meeting of the Board after their Appointment or any other Meeting held not later than the Month of *September* thereafter, the County Board may impose an Assessment for the Purpose of defraying the Expenses of building, extending, altering, or repairing any Building Assessment.

Local Prison within the County, or of acquiring Lands for such Purpose; and such Assessment shall be called the Building Assessment: Provided that no such Building Assessment shall exceed the Amount which, as set forth in the Twenty-first Annual Report of the General Board of Directors of Prisons, presented to both Houses of Parliament, was or might legally have been estimated for as a Building Fund before the Commencement of the said recited Act for such County, unless the same shall in Terms of any Agreement or Minute to that Effect laid before the County Board be consented to by the Commissioners of Supply of such County on behalf of the Landward Part thereof, and by the Town Councils of Burghs situated therein, entitled to choose Members of the County Prison Board on behalf of their respective Burghs, and it shall appear that the Persons on whose Behalf such Consent has been given shall have contributed or been liable to contribute not less than Three Fourths of the Assessments imposed on such County and the Burghs situated therein; and it shall be lawful for such County Board to assess and levy such Building Assessment by Instalments over any Number of Years not exceeding *Twenty Years*, and it shall also be lawful for such County Board to borrow Money on the Security of such Assessment, and to assign such Assessment in security thereof.

Prisons (Scotland) Act Amendment.

A

B I L L

To repeal the Thirty-third Section of the Prisons (Scotland) Act, and to make certain Provisions in lieu thereof.

(*Prepared and brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.*)

Ordered, by The House of Commons, *to be Printed,* 24 *March* 1865.

[Bill 91.]

Under 1 *oz.*

A

BILL

FOR

Awarding Costs in certain Cases of Private Bills.

WHEREAS it is expedient to award Compensation or Costs to Parties who have been subjected to Expense by the Promotion of speculative and unsound Railway Schemes in the House of Commons, and to Promoters of Schemes bonâ fide proposed for the public Advantage, in Cases where the Opposition to such Schemes has been groundless and vexatious: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. When the Committee on a Railway Bill are unanimous in their Decision that the Preamble is not proved, and further unanimously report that the proposed Scheme was unfounded or vexatious, the Opponents shall be entitled to recover their Costs of the Opposition out of the Deposit, such Costs to be taxed by the Taxing Officer of the House as herein-after mentioned. When Committee report unanimously "Preamble not proved," Opponents to be entitled to recover Costs.

2. When the Opposition has been unanimously declared by the Committee to be unfounded or vexatious, then and in every such Case When Committee report unanimously "Opposition

unfounded," Promoters to be entitled to recover Costs.

Case the Promoters shall in like Manner be entitled to recover the Costs arising from the Opposition from the Parties so opposing respectively.

Costs to be taxed.

3. On Application made to the Taxing Officer of the House of Commons by such Promoters or Opponents, or by their Solicitors or Parliamentary Agents, not later than *Six Calendar Months* after the Report of such Committee, and not until *One Month* after a Bill of such Costs and Expenses shall have been delivered to the Party chargeable therewith, which Bill shall be subscribed with the proper Hand of the Parties claiming such Costs and Expenses, or of their Solicitor or Parliamentary Agent, the Taxing Officer shall examine and tax such Costs and Expenses, and shall deliver to the Party, on applying, a Certificate signed by himself expressing the Amount of such Costs and Expenses, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same, which Names shall be those of the Parties signing the Petition for the Bill or Petition against, as the Case may be; and such Certificate shall be conclusive Evidence, for all Purposes whatever, as well of the Amount of the Demand as of the Title of the Party therein named to recover the same from the Party therein stated to be liable to the Payment thereof; and the Party claiming under the same shall upon Payment thereof give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Powers of Taxing Officer.

4. All Powers given to the Taxing Officer by the Act Ten and Eleven Victoria, Chapter Sixty-nine, with reference to the Examination of Parties and Witnesses on Oath, and with reference to the Production of Documents, and with reference to the Fees payable in respect of any Taxation, shall be vested in the Taxing Officer for the Purposes of this Act.

Recovery of Costs when taxed.

5. The Party entitled to such taxed Costs and Expenses, or his Executors or Administrators, may demand the whole Amount thereof, so certified as above, from any One or more of the Persons liable to the Payment thereof, and in case of Nonpayment thereof on Demand may recover the same by Action of Debt in any of Her Majesty's Courts of Record at Westminster or Dublin or in the Court of Session in Scotland, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate and an Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate,

Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in any Court.

6. In every Case it shall be lawful for any Person from whom the Amount of such Costs and Expenses have been so recovered to recover in like Manner from the other Persons, or any of them (if such there be), who are liable to the Payment of the same Costs and Expenses, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person. Persons paying Costs may recover a Proportion from other Persons liable thereto.

Private Bill Costs.

A

BILL

For awarding Costs in certain Cases of Private Bills.

(*Prepared and brought in by Mr. Scourfield and Mr. Crawford.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1865.

[Bill 7.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Awarding Costs in certain Cases of Private Bills.

WHEREAS it is expedient to empower Committees of the House of Commons on Private Bills to award Costs in certain Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. When the Committee on a Private Bill are unanimous in their Decision that the Preamble is not proved, and further unanimously report, with respect to any or all of the Petitioners against the Bill, that such Petitioner or Petitioners has or have been unreasonably or vexatiously subjected to Expense in defending his or their private Rights proposed to be interfered with by the Bill, such Petitioner or Petitioners shall be entitled to recover his or their Costs of the Opposition, or of such Portion thereof as the Committee may think fit, from the Promoters, such Costs to be taxed by the Taxing Officer of the House as herein-after mentioned, or such a Sum for Costs as the Committee shall name, with the Consent of the Parties affected. When Committee report unanimously "Preamble not proved," Opponents to be entitled to recover Costs.

2. When the Committee on a Private Bill are unanimous in their Decision that the Preamble is proved, and further unanimously report When Committee report unanimously "Opposition

unfounded," Promoters to be entitled to recover Costs.

report that the Promoters of the Bill have been unreasonably or vexatiously subjected to Expense in the Promotion of the said Bill by the Opposition of any Petitioner or Petitioners against the same, then the Promoters shall be entitled to recover from the Petitioners, or such of them as the Committee shall think fit, such Portion of their Costs of the Promotion of the Bill as the Committee may think fit, such Costs to be taxed by the Taxing Officer of the House as herein-after mentioned, or such a Sum for Costs as the Committee shall name, with the Consent of the Parties affected; and in their Report to the House the Committee shall state what Portion of the Costs, or what Sum for Costs, they shall so think fit to award, together with the Names of the Parties liable to pay the same, and the Names of the Parties entitled to receive the same.

Costs to be taxed.

3. On Application made to the Taxing Officer of the House of Commons by such Promoters or Petitioners, or by their Solicitors or Parliamentary Agents, not later than Six Calendar Months after the Report of such Committee, and in Cases where no Sum shall have been named by the Committee, with the Consent of the Parties affected, not until One Month after a Bill of such Costs shall have been delivered to the Party chargeable therewith, which Bill shall be sealed with the Seal or subscribed with the proper Hand of the Parties claiming such Costs, or of their Solicitor or Parliamentary Agent, the Taxing Officer shall examine and tax such Costs, and shall deliver to the Parties affected, or either or any of them, on Application, a Certificate signed by himself expressing the Amount of such Costs, or in Cases where a Sum or Costs shall have been named by the Committee, with the Consent as aforesaid, such Sum as shall have been so named, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same, and such Certificate shall be conclusive Evidence, as well of the Amount of the Demand as of the Title of the Party therein named to recover the same from the Party therein stated to be liable to the Payment thereof; and the Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Powers of Taxing Officer.

4. All Powers given to the Taxing Officer by the Act Ten and Eleven Victoria, Chapter Sixty-nine, with reference to the Examination of Parties and Witnesses on Oath, and with reference to the Production of Documents, and with reference to the Fees payable in respect of any Taxation, shall be vested in the Taxing Officer for the Purposes of this Act.

Recovery of Costs when taxed.

5. The Party entitled to such taxed Costs, or such Sum named by the Committee, with such Consent as aforesaid, or his Executors

or

or Administrators, may demand the whole Amount thereof, so certified as above, from any One or more of the Persons liable to the Payment thereof, and in case of Nonpayment thereof on Demand may recover the same by Action of Debt in any of Her Majesty's Courts of Record at Westminster or Dublin, or by Action in the Court of Session in Scotland. In such Action it shall be sufficient, in England or Ireland, for the Plaintiff to declare that the Defendant is indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate and an Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate shall not be called in question in any Court.

CLAUSE A.
Rem of Action in Scotland.

6. In such Action it shall be sufficient, in Scotland, for the Pursuer to allege that the Defender is indebted to him in the Sum mentioned in the said Certificate, under the like Proviso in regard to the Validity of the Certificate.

Persons paying Costs may recover a Proportion from other Persons liable thereto.

7. In every Case it shall be lawful for any Person from whom the Amount of such Costs or Sum named by the Committee with Consent as aforesaid have been so recovered to recover from the other Persons, or any of them, who are liable to the Payment of such Costs a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Private Bill Costs.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For awarding Costs in certain Cases of Private Bills.

(Prepared and brought in by Mr. Scourfield and Mr. Crawford.)

Ordered, by The House of Commons, *to be Printed,* 3 *March* 1865.

[Bill 50.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

PRIVATE BILL COSTS BILL.

Note.—*The Page and Line refer to the Bill* (31.) *as first printed by the Lords.*

Page 1.

Lines 1 and 2. Leave out ("the House of Commons") and insert ("both Houses of Parliament")

Lines 7 and 8. Leave out ("are unanimous in their Decision") and insert ("shall decide")

Line 8. After ("proved") insert ("or shall insert in such Bill "any Provision for the Protection of any Petitioner, "or strike out or alter any Provision of such Bill "for the Protection of such Petitioner")

Line 11. Leave out ("private")

Line 13. After ("recover") insert ("from the Promoters of such Bill") and leave out from ("Costs") to ("such") in Line 15 and insert ("in relation thereto, "or such Portion thereof as the Committee may "think fit")

Line 16. After ("or") insert ("the Committee may award")

Line 17. Leave out ("the Committee shall name") and insert ("they shall think fit")

Lines 18 and 19. Leave out ("are unanimous in their Deci- "sion") and insert ("shall decide")

Page 2.

Line 1. Leave out ("unreasonably or")

Line 13. Add ("provided always, that no Landowner, who bonâ "fide opposes a Bill, which proposes to take any "Portion of the said Petitioner's Property for the "Purposes of the Bill, shall be liable to any Costs "in respect of his Opposition to such Bill")

Lines 14 and 15. Leave out ("of Commons")

Line 36. Leave out ("Act") and insert ("Acts")

Line 37. After ("Sixty-nine") insert ("and Twelve and Thirteen Victoria, Chapter Seventy-eight")

[Bill 111.]

Page 3.

Line 28. After (" Person ") insert Clauses (A.), (B.), and (C.)

CLAUSE (A.) In any Case in which the Committee shall have reported that the Preamble is not proved, and where, in accordance with the Standing Orders of either House of Parliament and of an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Deposit of Money or Stock is made with respect to the Application to Parliament for an Act, the Money or Stock so deposited shall be a Security for the Payment by the Promoters of the Bill for the Act of all Costs or Sums in respect of Costs, if any, payable by them under this Act; and every Party entitled to receive any Costs or Sum so payable shall accordingly have a Lien available in Equity for the same on the Money or Stock so deposited, and the Lien shall attach thereon at the Time when the Bill is first referred to a Committee of either House of Parliament; provided that where several Parties have the Lien for an Amount exceeding in the aggregate the net Value of the Money or Stock, their respective Claims shall proportionately abate.

CLAUSE (B.) When a Bill is not promoted by a Company already formed, all Persons whose Names shall appear in such Bill as promoting the same, and in the event of the Bill passing the Company thereby incorporated, shall be deemed to be Promoters of such Bill for all the Purposes of this Act.

CLAUSE (C.) For the Purposes of this Act the Expression Private Bill shall extend to and include any Bill for a Local and Personal Act.

LORDS AMENDMENTS

TO THE

PRIVATE BILL COSTS BILL.

Ordered, by The House of Commons, *to be Printed,*
7 *April* 1865.

[Bill 111.]

Under 1 *oz.*

A

B I L L

TO

Amend the Laws relating to Procurators, and to Conveyancers, and Law Agents, in Scotland.

Preamble.

WHEREAS the Number of Procurators practising before the Inferior Courts and of Conveyancers and Law Agents carrying on professional Business throughout Scotland has of late Years greatly increased, and the Interests usually entrusted to the Care of such Persons have risen in Importance And whereas it is desirable to improve the Qualifications and Standing of the Members of these Branches of the legal Profession, and to regulate the Mode of admitting them to Practice, and to confer corporate Powers on certain Faculties and Societies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation Clause.

1. The following Words and Expressions when used in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context inconsistent with or repugnant to such Construction; that is to say

"Inferior Court."

"Inferior Court" shall embrace Sheriff Courts, Commissary Courts, Burgh Courts, Admiralty Courts, Dean of Guild Courts, Justice of Peace Courts, and all other Courts of Law having only local Jurisdiction in Scotland:

"Procurators." "Procurators" shall include all Persons who have already been admitted as Procurators, or who shall hereafter be admitted as Procurators under this Act:

"Conveyancers and Law Agents." "Conveyances and Law Agents" shall respectively mean all Persons who draw or prepare Deeds or legal Documents, or give legal Advice or Assistance for or in expectation of receiving therefor any Fee, Gain, or Reward:

"Sheriff." "Sheriff" shall include Steward, but not Sheriff Substitute or Steward Substitute:

"Sheriff Clerk." "Sheriff Clerk" shall mean Sheriff Clerk Depute as well as Sheriff Clerk, and shall include Steward Clerk and Steward Clerk Depute:

"County." "County" shall include Stewartry.

No Person to act as a Procurator, &c., unless already admitted or hereafter admitted.

2. No Person shall hereafter act or practise as a Procurator before any Inferior Court, or assume the Name or Title of Procurator or Solicitor, unless prior to the passing of this Act he shall have been duly admitted a Procurator before such Court, or unless subsequently to the passing of this Act he shall be admitted a Procurator pursuant to the Directions and Regulations of this Act, and no Person shall hereafter act as or assume or use the Name or Title of Writer, Conveyancer, or Law Agent, unless at the Time of the passing of this Act he shall be entitled and hold a Certificate or Licence to practise in such Capacity, or be a Procurator or Notary Public, or unless he shall after that Date be admitted a Procurator or a Notary Public.

Any Person contravening to be liable to a Penalty.

3. Any Person, unless as aforesaid, acting as or assuming or using the Name or Title of a Procurator, Solicitor, Writer, Conveyancer, or Law Agent, or any other Designation implying that he is qualified or entitled to act as such, or to draw or prepare Deeds or legal Documents, or to give legal Advice or Assistance, shall be guilty of an Offence, and on a summary Complaint being brought by the Procurator Fiscal of the County, or by any incorporated Faculty or Society of Procurators, or by any one or more Procurators in the County, District, or Ward where such Person resides, before the Sheriff or Sheriff Substitute of such County, and on the same being established to the Satisfaction of such Sheriff or Sheriff Substitute the Person so offending shall forfeit and pay for every such Contravention of this Act a Sum not less *Twenty Pounds* and not more than *Fifty Pounds*, which, unless otherwise directed by the Sheriff or Sheriff Substitute, shall be paid to the Treasurer of that Faculty or Society for behoof thereof, and applied accordingly, and failing Payment of any such Penalty the Person so contravening shall be imprisoned for a Period, to be fixed by the said Sheriff or Sheriff Substitute, not exceeding Sixty Days, without Prejudice to the said Person being also proceeded against by Interdict, at the Instance before specified.

4. From

Commissioners of Stamps not to issue Certificates except to qualified Persons.

4. From and after the *passing of this Act*, the Commissioners of Stamps and Taxes and their Officers shall, previous to issuing any such Stamped Certificate as aforesaid to any Person applying for the same who has not previously had issued to him a like Certificate, require Evidence that such Person is either a Writer to the Signet, or a Solicitor before the Supreme Courts, or a Notary Public, or that he has been admitted a Procurator.

Requisites to entitle Persons to be admitted.

5. No Person shall hereafter be deemed admissible as a Procurator unless he shall be of the full Age of *Twenty-one Years*, and shall have been bound under an Indenture in Writing to serve, except as herein-after provided, at least *Five Years* as an Apprentice to a Master declared by this Act to be competent, and shall have duly served his said Apprenticeship by personal Attendance in the Office of such Master or in the Office of some other Master to whom his Indenture may have been transferred, as herein-after provided, and unless he shall have been reported qualified for Admission after an Entrance Examination in manner herein-after specified: Provided always, that any Person who may before the passing of this Act, have served, or may be at the Date thereof in in course of serving an Apprenticeship for a shorter Term than *Five Years*, in such Form as would have qualified him for Admission under the Provisions of the Act of Sederunt of the Lords of Council and Session, dated Tenth Day of July One thousand eight hundred and thirty-nine, Chapter Five, shall be deemed admissible, in so far as regards Apprenticeship, if he have served or shall serve, either as an Apprentice or Clerk to the same or some other competent Master, such further Term as may be sufficient along with his previous Service to complete the full Term of *Five Years*, and if he shall have been reported qualified as aforesaid, and such Service may be instructed by a Certificate under the Hand of such Master, or otherwise, as hereafter provided.

Requisites restricted in certain Cases.

6. Provided also, That any Person who shall have taken a Degree in Arts in any One of the Universities of Great Britain or Ireland, or who shall be a Member of any of the Councils of the Scottish Universities, shall be deemed admissible as a Procurator, in so far as regards Apprenticeship, if he shall have served an Apprenticeship under Indenture as aforesaid for the shorter Period of *Three Years*, and as a Clerk to the same or some other competent Master for a further Term of at least *One Year*, and such Person shall not be obliged as a Part of his Entrance Examination to undergo an Examination in general Knowledge.

Who shall be deemed a competent Master.

7. In reference to all Apprenticeships and Clerkships to be entered into in Terms of this Act, any Writer to the Signet or Solicitor before the Supreme Courts, or Procurator before any One of the Inferior Courts, shall be deemed a competent Master in the Case of a Person seeking to qualify himself as a Procurator.

In case Master dies, &c.

8. In case any Master with whom any Person shall have entered into any Apprenticeship or Clerkship as aforesaid shall, during the Currency of the Term of such Apprenticeship or Clerkship, die or become bankrupt, or cease to practise, or be unable to continue to employ such Apprentice or Clerk, it shall be lawful for the Sheriff of the County in which such Apprenticeship or Clerkship is being served, upon the Application of such Apprentice or Clerk, as the Case may be, to direct the Indenture or Agreement of Clerkship to be discharged, or to authorize the Term of Service to be completed with any other Master declared competent by this Act and named in such Application, without Prejudice to the voluntary Transfer of any Apprenticeship or Clerkship to a competent Master mutually agreed upon and made in Writing.

One Year of Indenture under Procurator may be commuted into Clerkship.

9. An Apprentice who has in the Terms of this Act entered into an Indenture for *Five Years* as aforesaid, and who may be desirous of making himself acquainted with the Forms of Procedure in the Supreme Courts, or with the Mode of conducting Business in any County other than that in which he has bound himself to serve, may, in lieu of the last Year of his said Apprenticeship, with the Consent of his Master, substitute a Term of Service as Clerk for not less than One Year with a Writer to the Signet or Solicitor before the Supreme Courts, or with a Procurator practising in such other County, which Service as Clerk shall be equally effectual for the Purpose of Admission as if such Apprentice had completed the full Term of his Apprenticeship.

Indentures to be recorded and Service to be certified.

10. All Indentures which shall after the *passing of this Act* be entered into with the Intention of qualifying the Apprentice for Admission in Terms of this Act shall be recorded in the Sheriff Court Books of the County where the same shall have been entered into, within *Six Months* from the Date fixed therein for the Commencement of the Term of Apprenticeship, and upon the Expiration thereof an Extract of such Indenture with a Certificate endorsed thereon, under the Hand of the Master with whom such Apprenticeship was completed, setting forth that the Party has actually and bonâ fide served the Apprenticeship set forth in the Application for Admission as required by this Act, may be received as Evidence of such Apprenticeship having been duly served.

11. No

11. No Service as Clerk, in Terms and for the Purposes of this Act, entered into after the passing thereof, shall be held a Qualification for Admission as aforesaid, unless the Agreement to serve as Clerk for a specified Time shall be entered into in Writing before the Commencement of Service; and the Production of a written Agreement, with a Certificate under the Hand of the Master, of the Time having been actually and bonâ fide served by personal Attendance in his Office, may be received as Evidence of Service: Provided, that in case of the Death or Incapacity of the Master, the Sheriff shall be entitled to receive such other Evidence of Service of Apprenticeship or Clerkship as shall seem to him reasonable and satisfactory. Agreements to serve as Clerk must be in Writing and proved.

12. The Admission of Procurators shall as heretofore proceed on the Application of any duly qualified Person to the Sheriff of the County within which he wishes to practise; but such Applicant shall prior to Admission, except as herein-after provided, undergo an Entrance Examination in regard both to general Knowledge and to Law, and legal Training and Practice, on a Remit made by the Sheriff to the Examiners herein-after mentioned, and no further Procedure shall be had on such Application until the Applicant shall have been reported by the Examiners qualified for Admission: Provided always, that no Entrance Examination shall be required if the Applicant for Admission be a Member of the Faculty of Advocates, a Writer to the Signet, or a Solicitor before the Supreme Courts, or hold a Degree of Bachelor of Laws granted by a Scottish University after the Twelfth Day ef July Eighteen hundred and sixty-two. Admission and Entrance Examination.

13. On the Production of the Certificate of Apprenticeship or of Apprenticeship and Clerkship, as herein-before provided, and of a Certificate under the Hands of the Examiners of the Applicant being duly qualified in regard both to general Knowledge and to Law and legal Training, or of written Evidence that the Applicant is a Member of the Faculty of Advocates, or a Writer to the Signet, or a Solicitor before the Supreme Courts, the Sheriff may, unless he see Cause to the contrary, admit the Applicant as a Procurator in his Court, and such Admission shall qualify the Person admitted to practise therein and in all the other Inferior Courts held within the County: Provided that where the Mode of admitting Procurators in any County is regulated by Royal Charter conferring exclusive Privileges on any Faculty or Society of Procurators practising in such County, or by any Usage following thereon, such Mode of Admission shall not be altered by anything in this Mode of Admission.

Act contained without the express Consent of such Faculty or Society.

Names of Procurators to be registered.

14. The Sheriff Clerk of each County, or of each Ward, District, or Division, when a County is so divided, shall keep a Register in a separate Book to be called the "Register of Procurators," in which he shall insert the Names of all such Persons then in Life as may have been duly admitted Procurators before the Sheriff Court of such County, Ward, District, or Division prior to the passing of this Act, and shall arrange such Names in the Order of the Dates of Admission of such Persons respectively, and likewise of every Person who shall subsequently to the passing of this Act be admitted a Procurator before such Court, pursuant to the Directions and Regulations herein contained, specifying in the Register the Date of such Admission, and shall as Occasion requires make the Alterations on said Register rendered necessary by Death or otherwise, and said Register shall be patent to all the Lieges, and an Extract therefrom, subscribed by the Sheriff Clerk, certifying the Admission of any Procurator, and specifying the Date thereof, and for which Extract a Fee of *Two Shillings and Sixpence* shall be payable, shall be sufficient Evidence of the Facts therein set forth.

Procurators may form Societies when Number is Ten or upwards.

15. In any County, Ward, District, or Division of a County in which there does not at the Date of the passing of this Act exist an incorporated Faculty or Society of Procurators, it shall be lawful for the Procurators of such County, Ward, District, or Division, provided their Number exceeds Ten, voluntarily to form themselves into a Society, by the Assent given in Writing of at least *Three Fourths* of their Number, and on such Writing being recorded in the Court Books of the County, District, Division, or Ward, such Society shall ipso facto be held to be incorporated under such Name or Title as shall in such Writing be fixed, and shall include all the Procurators of such County, Ward, District, or Division, and thereafter such Faculty or Society shall have Power in its corporate Name to sue and be sued, and to acquire, hold, and transfer Property heritable and moveable, and also from Time to Time to adopt such Constitution and Byelaws for the Management of the Affairs of the Society as the Sheriff of such County, Ward, District, or Division shall, on Application made to him, approve of, and shall possess such other Powers as by Law belong to an Incorporation.

How to be incorporated when Number less than Ten.

16. In the event of the Number of Procurators in any County, Ward, District, or Division being less than Ten but more than Three, it shall be competent to them, or to *Three Fourths* of their Number, by their Assent given in Writing, to combine with the Procurators in any One or more Counties, Wards, Districts, or Divisions,

Divisions whose Number is also under Ten, to form themselves into a Society of Procurators under this Act, provided the Aggregate of the whole shall be at least Ten; and on such Assent being given in Writing and recorded in the Court Books of each of the said Counties, Wards, Districts, or Divisions, such Society shall in all respects for the Purposes of this Act be entitled to the same corporate Powers and Privileges as any other Society formed under this Act; or otherwise, in the event of no such Combination, the Procurators of any County, Ward, District, or Division whose Number is less than Ten shall be entitled individually to become Members of the Society of Procurators formed in any other County, Ward, District, or Division in Terms of this Act, and who shall be willing to receive them, and they shall on being duly admitted become Members of said Society: Provided always, that in case of the Procurators in Two or more Counties combining to form a Society as aforesaid, the Sheriff of the County having the largest Number of Procurators at the Time such Society is formed shall alone exercise the Functions which are conferred on him by this Act in relation to such Societies.

Powers of incorporated Faculties and Societies.

17. Every Faculty or Society of Procurators already incorporated or which shall after the passing of this Act be incorporated in Terms thereof shall from Time to Time, subject to the Approval of the Sheriff, issue Regulations for the preliminary Examination in the Elements of general Knowledge of Persons desirous of entering into Indentures of Apprenticeship with any Procurator of their Court, and without such Examination, and the Person undergoing the same being reported qualified, such Indenture shall be of no Force or Effect for the Purpose of Admission as aforesaid; and such Society may also, if it sees fit, subject in like Manner to the Approval of the Sheriff, impose a Curriculum of legal Study on the Apprentices serving their Time to the Members of such Faculty or Society, and may institute compulsory Examinations in Law and in legal Training and Practice of such Apprentices at the End of the Second, Third, and Fourth Years of their Apprenticeship, under such Regulations as to extending the Period of Apprenticeship, in case of Failure satisfactorily to undergo such Examinations, as may be established by and under Authority of the General Council herein-after appointed; and any Society hereafter to be incorporated may establish a Fund for the Benefit of indigent Members and of the Widows and Children of Members, and provide for the Use of the Members of the Society a Law Library to be managed in such Manner as may be settled by the Byelaws; and for these and other Purposes may exact Payment of such Entrance Fees from Parties applying to be admitted as Procurators, and such annual Contribution from each Member of

the Society as may from Time to Time be fixed by the Society, and be approved of by the Sheriff as aforesaid; and in Counties where no such Society exists it shall be in the Power of the Sheriff to order and enforce the preliminary and intermediate Examinations aforesaid.

General Council.

18. The Dean, President, or other chief Office-bearer of each of the several Faculties or Societies of Procurators already incorporated, or which shall after the passing of this Act be incorporated in Terms thereof, or in his Absence the Sub-Dean, Vice President, or other Member of such Faculty or Society elected to act in his Place, shall form a General Council of Procurators for the Purpose of exercising the Powers conferred upon them by this Act, and shall meet at least once in each Year, at such Time and Place as may be fixed in manner herein-after provided, any Five Members of such General Council being a Quorum.

General Council to meet and frame Byelaws.

19. The First Meeting of such General Council shall be held at Edinburgh, on the Day of *One thousand eight hundred and sixty-five*, at o'clock, within , and the Members present, after choosing an interim Chairman, shall appoint a Committee of their Number to frame a Draft of the Byelaws herein-after mentioned, with Instructions to report such Draft to an adjourned Meeting, to be held at a Time and Place to be then fixed; and it shall be lawful for such adjourned Meeting, or any other Meeting held by Adjournment, to adopt the said Byelaws with or without Amendments.

Office-bearers and Time and Place of future Meetings to be appointed.

20. The Byelaws to be so framed and adopted shall provide for the yearly Appointment of Office-bearers, and in particular of a President, and for the Time and Place of all Meetings of the General Council and Office-bearers, and for the Mode of calling the same, and for all other Regulations necessary for beneficially transacting the Business committed to the General Council by this Act, and for the future Amendment of such Byelaws if necessary.

Powers of General Council.

21. The General Council shall by themselves, or by One or more Committees of their Number, and with such Assistance as the Council may see fit to appoint, act as Examiners of Persons applying for Admission as Procurators, and shall as soon as may be after the passing of this Act frame Regulations as to the Subjects both in general Knowledge and Law, and legal Training and Practice, in which all Persons applying for Admission after a certain Date to be therein fixed, shall be examined as herein-before provided, in order to ascertain that they are in these respects qualified for Admission,

Admission, and also Regulations as to extending the Period of Apprenticeship of Apprentices failing to undergo satisfactorily the compulsory Examinations herein-before provided; and may if need be vary such Regulations to suit the peculiar Circumstances of any County, and may also from Time to Time thereafter alter and amend such Regulations respectively.

Regulations to be subject to Approval of Lord President, Lord Justice Clerk, and Judges of the Court of Session.

22. Provided always, That such Regulations and Byelaws, or future Alterations or Amendments thereof, shall be of no Force or Effect unless the same have been submitted to the Sheriffs of Scotland convened as directed by the Act First and Second Victoria, Chapter One hundred and nineteen, Section Thirty-two, and reported on by the Meeting so convened, or any adjourned Meeting of the Sheriffs, to the Lord President of the Court of Session, the Lord Justice Clerk, and the other Judges of the Court of Session, and have been approved of by them or by any Three or more of the Judges of such Court, and until the said Regulations are so approved of the Rules in operation in each County, Ward, or District for the Examination of Persons applying for Admission shall continue in force.

General Council to fix Time and Place and Fees of Examinations.

23. The General Council shall also from Time to Time fix the Times and Places at which such Examinations may most conveniently be conducted, and shall also, subject to the Approval aforesaid, fix the Fees to be paid by the Applicants to defray the Expense of such Examinations and the Application of the Fees so paid.

Expenses of General Council how to be provided for.

24. The General Council may from Time to Time exact such Contributions from the various Faculties and Societies already incorporated or to be incorporated under this Act as shall be required for the necessary Expenditure of the General Council and Office-bearers thereof, and may recover Payment of such Contributions by Action at Law to be brought in Name of their President or of any of their Office-bearers whom they may appoint for that Purpose, an Account of which Contributions and Expenditure shall be made up annually, and Copies transmitted to the Dean, President, or other chief Officer of every such Faculty or Society.

How Procurator may be suspended from Practice or struck off Register.

25. No Person who has been admitted a Procurator in Terms of this Act shall be liable to have his Admission challenged or set aside on any Ground except Fraud; reserving, nevertheless, to and empowering the Sheriff of each County, Ward, District, or Division as aforesaid, either ex proprio motu, on a written Complaint made and Cause shown to him by any incorporated Faculty or Society

of Procurators practising in his Court, and where there is no such Faculty or Society then by any Three or more Procurators practising in such Court, to call before him, on Six Days Induciæ, and thereafter, whether with or without Compearance, to suspend from Practice, or to strike off the Register the Name of any Procurator registered in his Court whom he may deem guilty of gross Misconduct, which Sentence shall contain within itself a Statement of the Facts and Grounds on which it proceeded, and shall be subject to Review and Stay of Execution only by Petition of Appeal, to be presented, within Six Months from the Date of such Sentence, to the Inner House of the Court of Session sitting in either Division, who may hear any Person interested thereon, and may confirm or reverse the Sentence of the Sheriff, with or without further Inquiry, without Prejudice to the Sheriff and Sheriff Substitute exercising all Powers competent to them at Common Law in such Matters.

Procurator lending his Name to unqualified Persons.

26. Any Procurator shall be entitled to complain to the Sheriff in whose Court he is entitled to practise against any Person practising in such Court who is not a Procurator thereof, and the Sheriff shall, on such Complaint being proved to his Satisfaction, interdict such Person from Practice; and any Procurator who shall knowingly and wilfully lend his Name to enable any Person who is not a Procurator to practise as such, or to enable any Person who is not a Procurator or Notary Public to practise as a Writer, Conveyancer, or Law Agent as aforesaid, may on a Complaint made as aforesaid be summarily suspended from Practice or struck off the Register, and the Sentence of the Sheriff in either Case shall be subject to Review and Stay of Execution only in manner foresaid.

Effects of Sheriff's Sentence.

27. The Sentence of any Sheriff striking a Procurator off the Register shall entitle any incorporated Faculty or Society as aforesaid of which he is a Member to expel him from the Body, and he shall thereupon forfeit all his Rights and Privileges as a Member thereof, except his Right to a Share of any Fund for behoof of Widows or Children, providing that during the Period allowed for Appeal as aforesaid, and during the Dependence of such Appeal the Party against whom the Sheriff's Sentence shall stand shall be disabled from exercising any of the Rights, Functions, and Privileges of a Procurator.

Saving Privileges of certain public Bodies.

28. Nothing in this Act contained shall be held to limit or prejudice the Rights and Privileges of the following public Bodies, that is to say, the Faculty of Advocates, the Society of Writers to Her Majesty's Signet, the Society of Solicitors in the Supreme Courts,

Courts, the Society of Solicitors at Law, Edinburgh, the Faculty of Procurators in Glasgow, the Faculty of Procurators in Paisley, or the Society of Advocates in Aberdeen, or any other such Faculty or Society holding a Royal Charter: Provided always, that it shall be competent to any such Faculty or Society, notwithstanding the Terms of their Charter, to pass such Byelaws as may be necessary to assimilate, in whole or in part, the Conditions and Mode of Admission to the Privileges of their Incorporation to the Provisions of this Act; provided also, that it shall be competent to any such Faculty or Society of Procurators, if they shall so desire, by the Assent given in Writing of at least Three Fourths of the Members registered as herein-before provided, and on the Register at the Time, to alter its Name or Title without Prejudice to its existing Powers and Privileges, or to surrender, cancel, or put an end to the existing Charter or Constitution of such Faculty or Society, to the Effect of enabling the Members to form themselves into a Society of Procurators under this Act in manner herein-before provided, and that under such Conditions and Regulations as to the future Disposal, Application, and Management of the whole Funds and Property belonging to such Society or Faculty, or connected therewith, as shall by such Three Fourths of the Number of Members be adopted and declared.

Power to make Bye-laws.

Power to surrender Charters.

29. Nothing in this Act contained shall be held to repeal the Privileges conferred by former Acts of Parliament on Persons who may be qualified to practise as Agents in the Court of Session of practising in certain Cases before the Sheriff Courts of Scotland.

Saving Rights of certain Persons.

30. Nothing in this Act contained shall prejudice the Rights and Privileges of Notaries Public or affect the Manner of their Admission to Office.

Saving Rights of Notaries Public.

31. This Act may be cited as "The Procurators (Scotland) Act, 1865."

Short Title.

Procurators (Scotland).

A

BILL

To amend the Laws relating to Procurators, and to Conveyancers and Law Agents, in Scotland.

(*Prepared and brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.*)

Ordered, by The House of Commons, *to be Printed*, 23 *March* 1865.

[Bill 87.]

Under 2 oz.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to Procurators, and to Conveyancers and Law Agents, in Scotland.

Preamble.

WHEREAS the Number of Procurators practising before the Inferior Courts in Scotland has of late Years greatly increased, and the Interests entrusted to the Care of such Procurators have risen in Importance: And whereas it is desirable to improve the Qualifications and Standing of the Members of that Branch of the legal Profession, and to regulate the Mode of admitting them to Practice, and to confer corporate Powers on certain Faculties and Societies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation Clause.

1. The following Words and Expressions when used in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context inconsistent with or repugnant to such Construction; that is to say,

"Inferior Court."

"Inferior Court" shall embrace Sheriff Courts, Commissary Courts, Burgh Courts, Admiralty Courts, Dean of Guild Courts,

Courts, Justice of Peace Courts, and all other Courts of Law having only local Jurisdiction in Scotland:

"Procurators." "Procurators" shall include all Persons who have already been admitted as Procurators in any Sheriff Court in Scotland, or who shall hereafter be admitted as Procurators under this Act:

"Sheriff." "Sheriff" shall include Steward, but not Sheriff Substitute or Steward Substitute:

"Sheriff Clerk." "Sheriff Clerk" shall mean Sheriff Clerk Depute as well as Sheriff Clerk, and shall include Steward Clerk and Steward Clerk Depute:

"County." "County" shall include Stewartry.

No Person to act as a Procurator, &c. unless already admitted or hereafter admitted pursuant to this Act.

2. No Person shall hereafter act or practise as a Procurator before any Inferior Court, or assume the Name or Title of Procurator, Writer, or Solicitor, unless prior to the passing of this Act he shall have been duly admitted a Procurator, or unless subsequently to the passing of this Act he shall be admitted a Procurator pursuant to the Directions and Regulations of this Act.

Commissioners of Stamps not to issue Certificates except to qualified Persons.

3. From and after the passing of this Act, the Commissioners of Stamps and Taxes and their Officers shall, previous to issuing any Stamped Certificate to any Person applying for the same who has not previously had issued to him a like Certificate, require Evidence that such Person is either a Writer to the Signet, or a Solicitor before the Supreme Courts, or a Notary Public, or that he has been admitted a Procurator.

Requisites to entitle Persons to be admitted.

4. No Person shall hereafter be deemed admissible as a Procurator unless he shall be of the full Age of Twenty-one Years, and shall have been bound under an Indenture in Writing to serve, except as herein-after provided, at least Four Years as an Apprentice to a Master declared by this Act to be competent, and shall have duly served his said Apprenticeship by personal Attendance in the Office of such Master or in the Office of some other Master to whom his Indenture may have been transferred, as herein-after provided, and unless he shall have been reported qualified for Admission after an Entrance Examination in manner herein-after specified: Provided always, that any Person who may before the passing of this Act, have served, or may be at the Date thereof in course of serving an Apprenticeship for a shorter Term than Four Years, in such Form as would have qualified him for Admission under the Provisions of the Act of Sederunt of the Lords of Council and Session, dated Tenth Day of July One thousand eight hundred and thirty-nine, Chapter Five, shall be deemed admissible, in so far as regards Apprenticeship, if he have served or shall serve,

serve, either as an Apprentice or Clerk to the same or some other competent Master, such further Term as may be sufficient along with his previous Service to complete the full Term of Four Years, and if he shall have been reported qualified as aforesaid, and such Service may be instructed by a Certificate under the Hand of such Master, or otherwise, as herein-after provided.

Requisites restricted in certain Cases.

5. Provided also, That any Person who shall have taken a Degree in Arts in any One of the Universities of Great Britain or Ireland, or who shall be a Member of any of the Councils of the Scottish Universities, shall be deemed admissible as a Procurator, in so far as regards Apprenticeship, if he shall have served an Apprenticeship under Indenture as aforesaid for the shorter Period of Three Years, and such Person shall not be obliged as a Part of his Entrance Examination to undergo an Examination in general Knowledge.

Who shall be deemed a competent Master.

6. In reference to all Apprenticeships and Clerkships to be entered into in Terms of this Act, any Writer to the Signet or Solicitor before the Supreme Courts, or Procurator or Sheriff Clerk, shall be deemed a competent Master in the Case of a Person seeking to qualify himself as a Procurator.

In case Master dies, &c.

7. In case any Master with whom any Person shall have entered into any Apprenticeship or Clerkship as aforesaid shall, during the Currency of the Term of such Apprenticeship or Clerkship, die or become bankrupt, or cease to practise, or be unable to continue to employ such Apprentice or Clerk, it shall be lawful for the Sheriff of the County or Sheriff Substitute of the County, Ward, District, or Division in which such Apprenticeship or Clerkship is being served, upon the Application of such Apprentice or Clerk, as the Case may be, to direct the Indenture or Agreement of Clerkship to be discharged, or to authorize the Term of Service to be completed with any other Master declared competent by this Act and named in such Application, without Prejudice to the voluntary Transfer of any Apprenticeship or Clerkship to a competent Master mutually agreed upon, and made in Writing.

One Year of Indenture under Procurator may be commuted into Clerkship.

8. Any Apprentice who, either before or after the passing of this Act, has entered into an Indenture for any Period exceeding Three Years, and who may be desirous of making himself acquainted with the Forms of Procedure in the Supreme Courts, or with the Mode of conducting Business in any County other than that in which he has bound himself to serve, may, in lieu of the last

Year of his said Apprenticeship, with the Consent of his Master, substitute a Term of Service as Clerk for not less than One Year with a Writer to the Signet or Solicitor before the Supreme Courts, or with a Procurator practising in such other County, which Service as Clerk shall be equally effectual for the Purpose of Admission as if such Apprentice had completed the full Term of his Apprenticeship.

Indentures to be recorded and Service to be certified.

9. All Indentures which shall after the passing of this Act be entered into with the Intention of qualifying the Apprentice for Admission in Terms of this Act shall be recorded in the Register of Probative Writs of the County where the same shall have been entered into, within Six Months from the Date fixed therein for the Commencement of the Term of Apprenticeship, and upon the Expiration thereof such Indenture, with a Certificate endorsed thereon, under the Hand of the Master with whom such Apprenticeship was completed, setting forth that the Party has actually and bonâ fide served the Apprenticeship set forth in the Application for Admission as required by this Act, may be received as Evidence of such Apprenticeship having been duly served.

Agreements to serve as Clerk must be in Writing and proved.

10. No Service as Clerk, in Terms and for the Purposes of this Act, entered into after the passing thereof, shall be held a Qualification for Admission as aforesaid, unless the Agreement to serve as Clerk for a specified Time shall be entered into in Writing before the Commencement of Service; and the Production of a written Agreement, with a Certificate under the Hand of the Master, of the Time having been actually and bonâ fide served by personal Attendance in his Office, may be received as Evidence of Service; provided that in case of the Death or Incapacity of the Master the Sheriff shall be entitled to receive such other Evidence of Service of Apprenticeship or Clerkship as shall seem to him reasonable and satisfactory.

Admission and Entrance Examination.

11. The Admission of Procurators shall as heretofore proceed on the Application of any duly qualified Person to the Sheriff of the County within which he wishes to practise; but such Applicant shall prior to Admission, except as herein-after provided, undergo an Entrance Examination in regard both to general Knowledge and to Law, and legal Training and Practice, on a Remit made by the Sheriff to the Examiners herein-after mentioned, and no further Procedure shall be had on such Application until the Applicant shall have been reported by the Examiners qualified for Admission: Provided always, that no Entrance Examination shall be required if the Applicant for Admission be a Writer to the Signet, or a Solicitor before the Supreme Courts, or hold a Degree of Bachelor of Laws granted by a Scottish University

University after the Twelfth Day of July Eighteen hundred and sixty-two; nor shall any Entrance Examination in General Knowledge be required from any Person who is under Indenture at the passing of this Act, or who may have completed the Term of such Indenture prior to the passing of this Act; provided also, that the Sheriff of any County to whom an Application for Admission shall be made by any Person who has been already admitted a Procurator in another Sheriff Court shall be entitled to dispense with such Entrance Examination, unless the Incorporated Faculty or Society of Procurators practising in the County, Ward, District, or Division in which such Application is made, shall, on the Application being intimated to them, along with a Statement of the Circumstances under which the Applicant is desirous that such Examination should be dispensed with, object to such Dispensation.

Mode of Admission.

12. On the Production of the Certificate of Apprenticeship or of Apprenticeship and Clerkship, as herein-before provided, and of a Certificate under the Hands of the Examiners of the Applicant being duly qualified in regard both to general Knowledge and to Law and legal Training, or of written Evidence that the Applicant falls within some of the Exceptions herein-before contained, the Sheriff may, unless he see Cause to the contrary, admit the Applicant as a Procurator in his Court, and such Admission shall qualify the Person admitted to practise therein and in all the other Inferior Courts held within the County; provided that where the Mode of admitting Procurators in any County is regulated by Royal Charter conferring exclusive Privileges on any Faculty or Society of Procurators practising in such County, or by any Usage following thereon, such Mode of Admission shall not be altered by anything in this Act contained, without the express Consent of such Faculty or Society.

Names of Procurators to be registered.

13. The Sheriff Clerk of each County, or of each Ward, District, or Division, when a County is so divided, shall keep a Register in a separate Book, to be called the "Register of Procurators," in which he shall insert the Names of all such Persons then in Life as may have been duly admitted Procurators before the Sheriff Court of such County, Ward, District, or Division prior to the passing of this Act, and shall arrange such Names in the Order of the Dates of Admission of such Persons respectively, and likewise of every Person who shall subsequently to the passing of this Act be admitted a Procurator before such Court, pursuant to the Directions and Regulations herein contained, specifying in the Register the Date of such Admission, and shall, as Occasion requires, make the Alterations on said Register rendered necessary by Death or otherwise, and said

Register shall be patent to all the Lieges, and an Extract therefrom, subscribed by the Sheriff Clerk, certifying the Admission of any Procurator, and specifying the Date thereof, and for which Extract a Fee of Two Shillings and Sixpence shall be payable, shall be sufficient Evidence of the Facts therein set forth.

Procurators may form Societies when Number is Ten or upwards.

14. In any County, Ward, District, or Division of a County in which there does not at the Date of the passing of this Act exist an Incorporated Faculty or Society of Procurators, it shall be lawful for the Procurators of such County, Ward, District, or Division, provided their Number exceeds Ten, voluntarily to form themselves into a Society, by the Assent given in Writing of at least Three Fourths of their Number, and on such Writing being recorded in the Court Books of the County, District, Division, or Ward, such Society shall ipso facto be held to be incorporated under such Name or Title as shall in such Writing be fixed, and shall include all the Procurators of such County, Ward, District, or Division, and thereafter such Faculty or Society shall have Power in its corporate Name to sue and be sued, and to acquire, hold, and transfer Property, heritable and moveable, and also from Time to Time to adopt such Constitution and Byelaws for the Management of the Affairs of the Society as the Sheriff of such County, Ward, District, or Division shall, on Application made to him, approve of, and shall possess such other Powers as by Law belong to an Incorporation.

How to be incorporated when Number less than Ten.

15. In the event of the Number of Procurators in any County, Ward, District, or Division being less than Ten but more than Three, it shall be competent to them, or to not less than Three Fourths of their Number, by their Assent given in Writing, to combine with the Procurators in any One or more Counties, Wards, Districts, or Divisions, to form themselves into a Society of Procurators under this Act, provided the aggregate of the whole shall be at least Ten; and on such Assent being given in Writing, and recorded in the Court Books of each of the said Counties, Wards, Districts, or Divisions, such Society shall in all respects, for the Purposes of this Act, be entitled to the same corporate Powers and Privileges as any other Society formed under this Act; or otherwise, in the event of no such Combination, the Procurators of any County, Ward, District, or Division whose Number is less than Ten shall be entitled individually to become Members of the Society of Procurators formed in any other County, Ward, District, or Division, in Terms of this Act, and who shall be willing to receive them, and they shall on being duly admitted become Members of said Society: Provided always, that in case of the Procurators in Two or more Counties combining to form a Society as aforesaid, the Sheriff of the County having the largest Number

Number of Procurators at the Time such Society is formed shall alone exercise the Functions which are conferred on Sheriffs by this Act in relation to such Societies.

Powers of incorporated Faculties and Societies.

16. Every Faculty or Society of Procurators already incorporated, or which shall after the passing of this Act be incorporated, in Terms thereof, shall from Time to Time, subject to the Approval of the Sheriff, issue Regulations for the preliminary Examination in the Elements of general Knowledge of Persons desirous of entering into Indentures of Apprenticeship with any Procurator of their Court, and without such Examination, and the Person undergoing the same being reported qualified, such Indenture shall be of no Force or Effect for the Purpose of Admission as aforesaid; and such Society may also, if it sees fit, subject in like Manner to the Approval of the Sheriff, impose a Curriculum of legal Study on the Apprentices serving their Time to the Members of such Faculty or Society, and may institute compulsory Examinations in Law and in legal Training and Practice of such Apprentices at the End of the Second, Third, and Fourth Years of their Apprenticeship, under such Regulations as to extending the Period of Apprenticeship, in case of Failure satisfactorily to undergo such Examinations, as may be established by and under Authority of the General Council herein-after appointed; and any Society hereafter to be incorporated may establish a Fund for the Benefit of indigent Members and of the Widows and Children of Members, and provide for the Use of the Members of the Society a Law Library, to be managed in such Manner as may be settled by the Byelaws, and for these and other Purposes may exact Payment of such Entrance Fees from Parties applying to be admitted as Procurators, and such annual Contribution from each Member of the Society, as may from Time to Time be fixed by the Society, and be approved of by the Sheriff as aforesaid; and in Counties where no such Society exists it shall be in the Power of the Sheriff to order and enforce the preliminary and intermediate Examinations aforesaid.

General Council.

17. The Dean, President, or other chief Office Bearer of each of the several Faculties or Societies of Procurators already incorporated, or which shall after the passing of this Act be incorporated, in Terms thereof, or in his Absence the Sub-Dean, Vice President, or other Member of such Faculty or Society elected to act in his Place, shall form a General Council of Procurators for the Purpose of exercising the Powers conferred upon them by this Act, and shall meet at least once in each Year, at such Time and Place as may be fixed in manner herein-after provided, any Five Members of such General Council being a Quorum.

General Council to meet and frame Byelaws.

18. The First Meeting of such General Council shall be held at Edinburgh on Monday the Thirtieth Day of October One thousand eight hundred and sixty-five, at One o'Clock, within the Sheriff Court-house, and the Members present, after choosing an interim Chairman, shall appoint a Committee of their Number to frame a Draft of the Byelaws herein-after mentioned, with Instructions to report such Draft to an adjourned Meeting, to be held at a Time and Place to be then fixed; and it shall be lawful for such adjourned Meeting, or any other Meeting held by Adjournment, to adopt the said Byelaws, with or without Amendments.

Office Bearers and Time and Place of future Meetings to be appointed.

19. The Byelaws to be so framed and adopted shall provide for the yearly Appointment of Office Bearers, and in particular of a President, and for the Time and Place of all Meetings of the General Council and Office Bearers, and for the Mode of calling the same, and for all other Regulations necessary for beneficially transacting the Business committed to the General Council by this Act, and for the future Amendment of such Byelaws, if necessary.

Powers of General Council.

20. The General Council shall prescribe a Curriculum of legal Study for Persons intending to apply for Admission as Procurators, and shall by themselves, or by One or more Committees of their Number, and with such Assistance as the Council may see fit to appoint, act as Examiners of Persons applying for Admission as Procurators, and shall as soon as may be after the passing of this Act frame Regulations as to the Subjects both in general Knowledge and Law, and legal Training and Practice, in which all Persons applying for Admission after a certain Date to be therein fixed shall be examined as herein-before provided, in order to ascertain that they are in these respects qualified for Admission, and also Regulations as to extending the Period of Apprenticeship of Apprentices failing to undergo satisfactorily the compulsory Examinations herein-before provided, and may, if need be, vary such Curriculum and Regulations to suit the peculiar Circumstances of any County, and may also from Time to Time thereafter alter and amend such Regulations respectively.

Regulations to be subject to Approval of Lord President, Lord Justice Clerk, and Judges of the Court of Session.

21. The Curriculum, Regulations, and Byelaws to be framed by the General Council as aforesaid, or any future Alterations or Amendments thereof, shall be of no Force or Effect unless the same have been submitted to the Sheriffs of Scotland convened as directed by the Act First and Second Victoria, Chapter One hundred and nineteen, Section Thirty-two, and reported on by the Meeting so convened, or any adjourned Meeting of the Sheriffs, to the Lord President of the Court of Session, the Lord Justice Clerk, and the

the other Judges of the Court of Session, and have been approved of by them or by any Three or more of the Judges of such Court, and until the said Regulations are so approved of the Rules in operation in each County, Ward, or District for the Examination of Persons applying for Admission shall continue in force.

General Council to fix Time and Place and Fees of Examinations.

22. The General Council shall also from Time to Time fix the Times and Places at which such Examinations may most conveniently be conducted, and shall also, subject to the Approval aforesaid, fix the Fees to be paid by the Applicants to defray the Expense of such Examinations and the Application of the Fees so paid.

Expenses of General Council how to be provided for.

23. The General Council may, from Time to Time, exact such Contributions from the various Faculties and Societies already incorporated, or to be incorporated under this Act, as shall be required for the necessary Expenditure of the General Council and Office Bearers thereof, and that as nearly as may be in proportion to the Numbers of Members of such Faculties or Societies, and may recover Payment of such Contributions by Action at Law, to be brought in Name of their President or of any of their Office Bearers whom they may appoint for that Purpose, an Account of which Contributions and Expenditure shall be made up annually, and Copies transmitted to the Dean, President, or other chief Officer of every such Faculty or Society.

How Procurator may be suspended from Practice or struck off Register.

24. No Person who has been admitted a Procurator in Terms of this Act shall be liable to have his Admission challenged or set aside on any Ground except Fraud; reserving, nevertheless, to and empowering the Sheriff of each County, Ward, District, or Division as aforesaid, on a written Complaint made and Cause shown to him by any incorporated Faculty or Society of Procurators practising in his Court, and where there is no such Faculty or Society then by any Three or more Procurators practising in such Court, to call before him, on Six Days Induciæ, and thereafter, whether with or without Compearance, to suspend from Practice, or to strike off the Register, the Name of any Procurator registered in his Court whom he may deem guilty of gross Misconduct, which Sentence shall contain within itself a Statement of the Facts and Grounds on which it proceeded, and shall be subject to Review and Stay of Execution only by Petition of Appeal, to be presented, within Six Months from the Date of such Sentence, to the Inner House of the Court of Session sitting in either Division, who may hear any Person interested thereon, and may confirm or

reverse the Sentence of the Sheriff, with or without further Inquiry, without Prejudice to the Sheriff and Sheriff Substitute exercising all Powers competent to them at Common Law in such Matters.

Procurator lending his Name to unqualified Persons.

25. Any Procurator shall be entitled to complain to the Sheriff in whose Court he is entitled to practise against any Person practising in such Court who is not a Procurator thereof; and the Sheriff shall, on such Complaint being proved to his Satisfaction, interdict such Person from Practice; and any Procurator who shall knowingly and wilfully lend his Name to enable any Person who is not a Procurator to practise as such may, on a Complaint made as aforesaid, be summarily suspended from Practice or struck off the Register, and the Sentence of the Sheriff in either Case shall be subject to Review and Stay of Execution only in manner foresaid.

Effects of Sheriff's Sentence.

26. The Sentence of any Sheriff striking a Procurator off the Register shall entitle any incorporated Faculty or Society as aforesaid of which he is a Member to expel him from the Body, and he shall thereupon forfeit all his Rights and Privileges as a Member thereof, except his Right to a Share of any Fund for behoof of Widows or Children: Provided that during the Period allowed for Appeal as aforesaid, and during the Dependence of such Appeal, the Party against whom the Sheriff's Sentence shall stand shall be disabled from exercising any of the Rights, Functions, and Privileges of a Procurator.

Saving Privileges of certain public Bodies.

27. Nothing in this Act contained shall be held to limit or prejudice the Rights and Privileges of the following public Bodies; that is to say, the Society of Writers to Her Majesty's Signet, the Society of Solicitors in the Supreme Courts, the Society of Solicitors at Law, Edinburgh, the Faculty of Procurators in Glasgow, the Faculty of Procurators in Paisley, or the Society of Advocates in Aberdeen, or any other such Faculty or Society holding a Royal Charter: Provided always, that it shall be competent to any Faculty or Society of Procurators incorporated before the passing of this Act, notwithstanding the Terms of their Charter, to pass such Bye-laws as may be necessary to assimilate, in whole or in part, the Conditions and Mode of Admission to the Privileges of their Incorporation to the Provisions of this Act; provided also, that it shall be competent to any such Faculty or Society of Procurators, if they shall so desire, by the Assent given in Writing of at least Three Fourths of the Members registered as herein-before provided, and on the Register at the Time, to alter its Name or Title without Prejudice to its existing Powers and Privileges.

Power to make Bye-laws.

Power to alter Name.

28. Nothing

Saving Rights of certain Persons.

28. Nothing in this Act contained shall be held to repeal the Privileges conferred by former Acts of Parliament on Persons who may be qualified to practise as Agents in the Court of Session of practising in certain Cases before the Sheriff Courts of Scotland, or to prejudice or affect the Rights or Privileges of any Person appointed to be Solicitor or Attorney on behalf of Her Majesty, under the Orders or Directions of the Commissioners of the Treasury, Customs, Inland Revenue, or under the Orders or Directions of any Commissioners or other Persons or Person having the Management of any other Branch of Her Majesty's Revenue for the Time being, or under the Authority of any Act of Parliament, or of any Person now holding or who may hereafter be appointed to the Office of Procurator Fiscal in any Sheriff, Justice of Peace, or Burgh Court.

Saving Rights of Notaries Public.

29. Nothing in this Act contained shall prejudice the Rights and Privileges of Notaries Public or affect the Manner of their Admission to Office.

Short Title.

30. This Act may be cited as "The Procurators (Scotland) Act, 1865."

Procurators (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to Procurators, and to Conveyancers and Law Agents, in Scotland.

(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Sir William Dunbar.

Ordered, by The House of Commons, *to be Printed,*
18 *May* 1865.

[Bill 157.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

PROCURATORS (SCOTLAND) BILL.

Note.—*The Page and Line refer to the Bill* (153.) *as printed by the Lords.*

Page 2.

Line 4. After ("Scotland") insert ("or as Members of the "Incorporated Society of Writers in Dundee")

Page 5.

Line 6. Leave out ("such Indenture") and insert ("Apprentice-"ticeship")

Line 9. After ("entitled") insert ("to admit the said Person, and "also")

Line 10. Leave out ("unless") and insert ("if he shall see fit "after Hearing")

Line 12. Leave out from ("made") to the End of the Clause.

Page 7.

Line 9. After ("Court") insert ("or the Sheriff's Clerk")

Page 9.

Line 2. Leave out ("or by any Three or more of the Judges of "such Court")

[Bill 248.]

LORDS AMENDMENTS

TO THE

PROCURATORS (SCOTLAND) BILL.

Ordered, by The House of Commons, *to be Printed*,
27 *June* 1865.

[Bill 248.]

Under 1 *oz.*

A

B I L L

TO

Amend the Act of the Twenty-seventh and Twenty-eighth Victoria, Chapter Sixty-four, commonly called "The Public House Closing Act, 1864."

WHEREAS the Operation of the said Act has inflicted Injury on and caused great Inconvenience to many of Her Majesty's Subjects; and it is desirable that the same should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as the "Public House Closing Amendment Act, 1865." Short Title.

2. It shall be lawful for any Local Authority in the said Act mentioned, upon the Production of such Evidence as such Local Authority shall deem sufficient to show that it is necessary or desirable, for the Accommodation of any considerable Number of Persons attending any Public Market, or following any lawful Trade or Calling, if, in the Discretion of such Local Authority, it shall think Power to Local Authority to grant Licences to Licensed Victuallers and Refreshment House Keepers sus-

pending Operation of recited Act.

think fit, to grant to any Licensed Victualler or Keeper of a Refreshment House whose Place of Business is in the immediate Neighbourhood of such Market, or of the Place where the Persons follow such lawful Trade or Calling, a Licence exempting him from the Provisions of the herein-before mentioned Act, during such Days, Times, or Hours as shall be specified in such Licence; and no Licensed Victualler or Keeper of a Refreshment House to whom such Licence has been granted under this Act shall be subject to any Penalty for a Contravention of the herein-before mentioned Act during the Days or Times to which his Licence extends, but he shall not be exempted by such Licence from any Penalty to which he may be subject under any other Act of Parliament.

Power to withdraw such Licence.

3. It shall be lawful for such Local Authority, from Time to Time, as and when it may seem fit, either to withdraw such Licence altogether, or to alter, vary, or amend the same, in such Manner as such Local Authority may deem necessary or expedient.

Act to be construed with recited Act.

4. This Act shall be deemed, construed, and taken as Part of the said herein-before mentioned Act.

Public House Closing Act (1864) Amendment.

A

B I L L

To amend the Act of the Twenty-seventh and Twenty-eighth Victoria, Chapter Sixty-four, commonly called "The Public House Closing Act, 1864."

(*Prepared and brought in by Mr. Cox and Mr. Goschen*).

Ordered, by The House of Commons, *to be Printed*, 15 *February* 1865.

[Bill 22.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Act of the Twenty-seventh and Twenty-eighth Victoria, Chapter Sixty-four, commonly called "The Public House Closing Act, 1864."

WHEREAS the Operation of the said Act has inflicted Injury on and caused great Inconvenience to many of Her Majesty's Subjects; and it is desirable that the same should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as the "Public House Closing Act, 1865." Short Title.

2. It shall be lawful for the licensing Justices at the Time of granting or renewing any Licence, upon the Production of such Evidence as they shall deem sufficient to show that it is necessary or desirable, for the Accommodation of any considerable Number of Persons attending any Public Market, or following any lawful Trade or Calling, if, in the Discretion of such Justices, they shall think Power to Justices to grant Licences to Licensed Victuallers and Refreshment House Keepers suspending Operation of recited Act.

think fit, to grant to any Licensed Victualler or Keeper of a Refreshment House whose Place of Business is in the immediate Neighbourhood of such Market, or of the Place where the Persons follow such lawful Trade or Calling, a Licence exempting him from the Provisions of the herein-before mentioned Act, during such Days, Times, or Hours as shall be specified in such Licence; and no Licensed Victualler or Keeper of a Refreshment House to whom such Licence has been granted under this Act shall be subject to any Penalty for a Contravention of the herein-before mentioned Act, during the Days or Times to which his Licence extends, but he shall not be exempted by such Licence from any Penalty to which he may be subject under any other Act of Parliament; provided that a printed Notice, stating the Days and special Hours during which and the Class of Persons for whom the House is open under such Licence shall be affixed in a conspicuous Position outside the House.

Power to withdraw such Licence.

3. It shall be lawful for such Justices, from Time to Time, as and when it may seem fit, either to withdraw such Licence altogether, or to alter, vary, or amend the same, in such Manner as such Justices may deem necessary or expedient.

Clause A. Act to be in force in certain Districts, &c.

4. The said Act, as herein amended, shall be in force in such Districts under the Operation of the Public Health Act, 1848, or the Local Government Act, 1858, as adopt the same; and Local Boards of Health established under or by virtue of the said Public Health Act, 1848, and Local Boards established under or by virtue of the said Local Government Act, 1858, may adopt the said Public House Closing Act, 1864, in the same Manner; and the same shall come into operation at the same Time as is provided for the Adoption and coming into operation of that Act by Corporate Boroughs, or Boards of Improvement Commissioners; provided that this Section shall not apply to any District which is a Corporate Borough, or within the Jurisdiction of a Board of Improvement Commissioners.

Clause B. Justices of the Peace to grant Licences.

5. So much of the Eighth Clause of the said recited Act as defines the Local Authority to be a Commissioner, Superintendent, or other Chief Officer of Police shall be repealed, and instead thereof the Local Authority shall be, in any District, City, or Town where Petty Sessions are held, Two Justices of the Peace sitting in Petty Sessions, and in any other District, City, or Town Two Justices of the Peace acting in the District, City, or Town.

Act to be construed with recited Act.

6. This Act shall be deemed, construed, and taken as Part of the said herein-before mentioned Act.

Public House Closing Act (1864) Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Act of the Twenty-seventh and Twenty-eighth Victoria, Chapter Sixty-four, commonly called "The Public House Closing Act, 1864."

(*Prepared and brought in by Mr. Cox and Mr. Goschen.*)

Ordered, by The House of Commons, *to be Printed*, 18 *May* 1865.

[Bill 159.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

PUBLIC HOUSE CLOSING ACT (1864) AMENDMENT BILL.

Note.—*The Page and Line refer to the Bill* (126.) *as printed by the Lords.*

Page 1.

Line 1. Leave out from ("Whereas") to ("Be") in Line 4, and insert ("it is expedient to amend the Public House Closing "Act, 1864")

Page 2.

Clause 8. Line 41. After ("held") insert ("except in the Metro- "politan District")

[Bill 239.]

LORDS AMENDMENTS

TO THE

PUBLIC HOUSE CLOSING ACT (1864) AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1865.

[Bill 239.]

Under 1 *oz.*

A

BILL

TO

Enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing Street and the Approaches thereto.

WHEREAS under the Provisions of the following Acts (namely), the Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter Ninety-five, (called the "Downing Street Public Offices Extension Act, 1855,") the Act of the Twenty-second Year of Her Majesty, Chapter Nineteen, (called the "Public Offices Extension Act, 1859,") the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Thirty-three, (called the "Supplemental Public Offices Extension Act, 1861,") the Act of the same Session, Chapter Eighty-eight, and the Act of the Twenty-fifth and Twenty-sixth Years of Her Majesty, Chapter Seventy-four, the Commissioners of Her Majesty's Works and Public Buildings, as incorporated for the Purposes of the said Acts, have acquired divers Lands and Tenements in and near Downing Street in the City of Westminster as a Site for Offices for the Public Service, and such Offices are now in course of Erection: And whereas it has been found necessary for the Purpose of improving the Site of and the Approaches to such Public Offices that

Preamble.
18 & 19 Vict. c. 95.
22 Vict. c. 19.
24 & 25 Vict. c. 33.
24 & 25 Vict. c. 88.
25 & 26 Vict. c. 74.

Deposit of Plans and Books of Reference descriptive of Site.

that the said Commissioners should also be empowered to acquire the additional Lands described and shown on the Plans herein-after mentioned; but such Lands cannot be acquired without the Authority of Parliament: And whereas duplicate Plans describing the Situation of the said Lands herein-after referred to as the prescribed Lands, with a Book of Reference thereto containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers thereof, have been deposited with the Clerk of the Peace for the County of Middlesex, at his Office at the Sessions House, Clerkenwell, and with the Clerk of the Westminster District Board of Works, and it is expedient that Powers should be given to the Commissioners of Her Majesty's Works and Public Buildings to purchase such Lands for the Purposes aforesaid: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Preliminary.

Short Title of Act.

1. This Act may be cited for all Purposes as "The Public Offices Act, 1865."

Incorporation of Commissioners.

Incorporation of Commissioners of Works for Purposes of Act.

2. The Commissioners of Her Majesty's Works and Public Buildings for the Time being herein-after referred to as "the Commissioners," as incorporated for the Purposes of the aforesaid Acts, shall be and continue so incorporated for the Purposes of this Act, with Power to hold Lands for the Purposes and subject to the Provisions of this Act.

Acquisition of Site.

Description of Purposes of Act.

3. The Purposes of this Act are the Acquisition of additional Lands for the Site of the Public Offices aforesaid and the Approaches thereto, and the constructing and doing such Works and Things as are conducive to the Attainment of the above Purposes, or any of them or incidental thereto.

Power of Commissioners to purchase Lands.

4. The Commissioners may, out of any Monies placed at their Disposal by Parliament for that Object, purchase, take, and use for the Purposes of this Act all or any of the prescribed Lands.

Commissioners to make good to Parishes of St. Margaret and

5. And whereas by the Forty-eighth Section of the said Public Offices Extension Act, 1859, after reciting that by reason of taking the Lands mentioned in the Schedule to the said Act, and for the Purposes thereof, there might be Deficiencies in the Produce of the Assessments

Assessments for the Relief of the Poor, and making certain Payments directed by Act of Parliament to be made out of the Poor's Rate, as also in the Produce of other Assessments directed to be raised and levied on the Persons, and in respect of the Property by Law rateable to the Relief of the Poor of the Parishes of Saint Margaret and Saint John the Evangelist, Westminster; and reciting that the Rates of the said Parishes had been mortgaged, and were then charged with and subject to the Repayment of certain Sums amounting in the aggregate to Thirty-five thousand four hundred and three Pounds or thereabouts Principal Money, with Interest thereon, and which Charges it was calculated would be wholly paid off on or before the Twenty-fifth Day of December One thousand eight hundred and seventy-three; and that it was expedient that Provision should be made for a Contribution for a limited Time by the said Commissioners in aid of the Poor Rates and other Rates to be raised and levied as therein-before mentioned; it was enacted that the said Commissioners should, from and after the Twenty-ninth Day of September One thousand eight hundred and fifty-nine, yearly and every Year until the Twenty-ninth Day of September One thousand eight hundred and seventy-three, by and out such Monies as Parliament might from Time to Time place at their Disposal for that Purpose, pay and make good in manner therein mentioned to the said Parishes such Sum or Sums of Money, not exceeding the Sum of Four hundred Pounds per Annum, as should be deficient in respect of the said Rates by reason or means of taking the Land mentioned in the Schedule to the said Act for the Purposes thereof, such Deficiencies to be calculated and ascertained with reference to the Sum of Three hundred and seventy-five Pounds, being the Amount actually collected for and in respect of such Rates made in the Year One thousand eight hundred and fifty-eight in respect of Houses and Buildings which might be shut up or taken down, or of Ground taken and used by the Commissioners for the Purposes of the said Act of 1859: And by the Forty-ninth Section of the same Act it was provided that the First Payment in respect of such Deficiencies should be made on the Twenty-ninth Day of September One thousand eight hundred and sixty: And whereas by the said Supplemental Public Offices Extension Act, 1861, it was enacted, that in consideration of the additional Land to be taken under the Powers of that Act the maximum Sum of Four hundred Pounds per Annum, payable as in the said Act of 1859 was mentioned for making up such Deficiency as aforesaid, should be increased to a Sum not exceeding Five hundred and twenty Pounds per Annum, and the annual Amount with reference to which such

St. John the Evangelist Deficiencies in Rates.

Deficiencies were to be calculated and ascertained as in the said Act of 1859 mentioned, should be the Sum of Four hundred and ninety-eight Pounds in lieu of the Sum of Three hundred and seventy-five Pounds in the said Act of 1859 mentioned; and that the First Payment in respect of the Deficiencies arising by reason of or with reference to the Land comprised in the Act of 1861 now in recital should be made on the Twenty-ninth Day of September One thousand eight hundred and sixty-two: And whereas by the Act of the Twenty-seventh and Twenty-eighth Years of Her Majesty, Chapter Fifty-one, Parts of the Lands acquired under the Provisions of the Acts mentioned in the Preamble to this Act were transferred to and vested in Her Majesty, Her Heirs and Successors, for the Service of the Government of India; and it was thereby enacted, that such Lands when so vested in Her Majesty should be and continue to be liable to the Payment of Eleven Thirty-fifth Parts of all the Parochial Rates and Taxes to which the Entirety of the Land acquired by the said Commissioners as aforesaid was or should be by Law subject and liable: Now be it enacted, That in consideration of the additional Land to be taken under the Provisions of this Act the maximum Sum of Five hundred and twenty Pounds per Annum, payable as in the said Acts of 1859 and 1861 is mentioned for making up such Deficiency as aforesaid, shall be increased to a Sum not exceeding per Annum; and the annual Amount with reference to which such Deficiencies shall be calculated and ascertained as in the said Act of 1859 is mentioned shall be the Sum of in lieu of the Sum of Four hundred and ninety-eight Pounds in the said Act of 1861 mentioned; and the First Payment in respect of the Deficiencies arising by reason of or with reference to the Lands to be taken under the Provisions of this Act shall be made on the Twenty-ninth Day of September One thousand eight hundred and sixty-six: Provided always, that this Extension shall not increase the Sums payable by Her Majesty, Her Heirs or Successors, as aforesaid in respect of the Lands vested in Her by the said Act of the Twenty-seventh and Twenty-eighth Years of Her Majesty, Chapter Fifty-one.

Power of Commissioners to enter upon Lands.

6. The Commissioners, their Surveyors, Officers, and Workmen, may at all reasonable Times in the Daytime, upon giving Twenty-four Hours previous Notice in Writing, enter into and upon any of the prescribed Lands for the Purpose of surveying or valuing the same.

Incorporation of Lands Clauses Act.

7. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, except

except as hereby expressly varied, be incorporated with this Act; but,

(1.) There shall not be incorporated with this Act the Sections and Provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned; that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; Section Seventeen, whereby it is provided that the Certificate of the Justices shall be Evidence that the Capital has been subscribed; or the Provisions relating to affording Access to the Special Act:

(2.) In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the "Special Act," and the Commissioners shall be deemed to be "the Promoters of the Undertaking":

(3.) The Term "Sheriff" used in the Provisions of the "Lands Clauses Consolidation Act, 1845," relating to the Reference to a Jury, shall be deemed to apply to the High Bailiff of of the City and Liberty of Westminster or his Deputy:

(4.) The Bond required by Section Eighty-five of "The Lands Clauses Consolidation Act, 1845," shall be under the Common Seal of the Commissioners, and shall be sufficient without the Addition of the Sureties in the said Section mentioned.

Extinction of Rights of Way and other Easements.

8. Upon the Purchase by the Commissioners of the prescribed Land or any Part thereof (save as herein-after provided), all Rights of Way, Rights of laying down or of continuing any Pipes, Sewers, or Drains on, through, or under such Lands or Part thereof, and all other Rights or Easements in or relating to such Land or Part thereof, shall be extinguished, and all the Soil of such Ways, and the Property in the Pipes, Sewers, or Drains, shall vest in the Commissioners, subject to this Provision, that all Persons and Bodies of Persons, corporate or unincorporate, may recover from the Commissioners such Compensation, if any, as they may be entitled to for any Rights or Property of which they may be deprived in pursuance of this Section, the Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

As to Claims for Compensation by yearly Tenants.

9. All Claims for Compensation made upon the Commissioners under the Provisions of this Act, or any Act incorporated herewith shall, if the Person claiming to be entitled to Compensation has no greater Interest than as Tenant for a Year or from Year to Year in the Lands in respect of which the Compensation is claimed, be deter-

determined in manner provided by the One hundred and twenty-first Section of "The Lands Clauses Consolidation Act, 1845."

Limit of Time for compulsory Purchase of Land.

10. The Limit for the compulsory Purchase of Lands under this Act shall be Five Years.

Powers of Commissioners to execute Works.

11. The Commissioners may pull down and remove any Buildings on the prescribed Lands, and may construct thereon such Buildings and Works, and do all such other Things as may in their Opinion be necessary or expedient in order to carry into effect the Purposes of this Act, or any of them.

Saving Rights of the Metropolitan Board of Works.

12. Nothing in this Act shall extend to take away or impair any Rights or Jurisdiction of the Metropolitan Board of Works in relation to any Sewers, Drains, or Watercourses.

Exemption from Building Act.

13. All Buildings erected on the prescribed Lands shall be exempt from the Operation of the First Part of "The Metropolitan Buildings Act, 1855."

Miscellaneous.

No Purchase to be without the Authority of the Treasury.

14. No Purchase shall be made by the Commissioners for the Purposes of the Act without the Consent in Writing of the Commissioners of Her Majesty's Treasury, but it shall not be necessary for any Vendor or any Purchaser from the said Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent, and any such Assent may be given either generally or for any particular Purchase or Purchases, as to the said Commissioners of the Treasury may seem meet.

Authentication of Notices.

15. Every Notice, Summons, Writ, or other Document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the Solicitor or Secretary for the Time being of the Commissioners, and need not be under the Common Seal of the Commissioners.

Land purchased to be vested in Commissioners for the Public Service, subject to Provisions of 15 & 16 Vict. c. 28.

16. All Land purchased by the Commissioners under the Authority of this Act shall be vested in them for the Public Service, and shall be subject to the Provisions of the Act of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

Contracts made by First Com-

17. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the

the Powers by this Act given to the Commissioners hereby incorporated as aforesaid shall be valid, and shall be binding on the Commissioners, as if the same had been under their Corporate Seal. missioner of Works to be valid.

18. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General, or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt unstamped shall be a sufficient Discharge for the same to the Persons paying the same, and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners shall so direct. Monies payable to the Commissioners to be paid to Her Majesty's Paymaster General.

19. All Orders which under this Act the Court of Chancery is empowered to make on Motion or Petition in relation to any Money paid into the Bank of England with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, or the Costs of any Application, may be made by any Judge of the said Court upon Application to him while sitting at Chambers upon Summons, in like Manner as in other Cases in which Proceedings may be so had, subject nevertheless to any General Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court on any such Applications. Orders concerning Money paid into Court may be made at Chambers.

20. If any Person wilfully obstruct any Person acting under the Authority of the Commissioners in the lawful Exercise of the Powers vested in them under this Act, he shall forfeit a Sum not exceeding *Five* Pounds for every such Offence, to be recovered in a summary Manner. Penalty for obstructing Commissioners.

21. No Deed, Bond, or other Instrument made by, to, or with the Commissioners for any of the Purposes of this Act shall be subject to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments are specially charged therewith in such future Act. Deeds not liable to Stamp Duty.

22. Every Conveyance, Assignment, or other Deed or Instrument whereby any Land by this Act authorized to be purchased is conveyed or assigned to the Commissioners for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court Deeds to be enrolled in Court of Exchequer.

of Exchequer and entered in the Books of the said Commissioners, and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Plan to be deposited in the Office of Works, and to be open for Inspection.

23. A Copy of the Plan of the prescribed Lands shall be deposited at the Office of the Commissioners, and shall remain at the said Office to the end that all Persons may at all seasonable Times, on Payment of a Fee of *One Shilling*, have liberty to inspect the same.

Public Offices (Site and Approaches).

A

B I L L

To enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing Street and the Approaches thereto.

(Prepared and brought in by Mr. Cowper and Sir Charles Wood.)

Ordered, by The House of Commons, *to be Printed,* 7 *March* 1865.

[Bill 55.] *Under* 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing Street and the Approaches thereto.

WHEREAS under the Provisions of the following Acts (namely), the Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter Ninety-five, (called the "Downing Street Public Offices Extension Act, 1855,") the Act of the Twenty-second Year of Her Majesty, Chapter Nineteen, (called the "Public Offices Extension Act, 1859,") the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Thirty-three, (called the "Supplemental Public Offices Extension Act, 1861,") the Act of the same Session, Chapter Eighty-eight, and the Act of the Twenty-fifth and Twenty-sixth Years of Her Majesty, Chapter Seventy-four, the Commissioners of Her Majesty's Works and Public Buildings, as incorporated for the Purposes of the said Acts, have acquired divers Lands and Tenements in and near Downing Street in the City of Westminster as a Site for Offices for the Public Service, and such Offices are now in course of Erection: And whereas it has been found necessary for the Purpose of improving the Site of and the Approaches to such Public Offices that

Preamble.
18 & 19 Vict. c. 95.
22 Vict. c. 19.
24 & 25 Vict. c. 33.
24 & 25 Vict. c. 88.
25 & 26 Vict. c. 74.

that the said Commissioners should also be empowered to acquire the additional Lands described and shown on the Plans herein-after mentioned; but such Lands cannot be acquired without the Authority of Parliament: And whereas duplicate Plans describing the Situation of the said Lands herein-after referred to as the prescribed Lands, with a Book of Reference thereto containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers thereof, have been deposited with the Clerk of the Peace for the County of Middlesex, at his Office at the Sessions House, Clerkenwell, and with the Clerk of the Westminster District Board of Works, and it is expedient that Powers should be given to the Commissioners of Her Majesty's Works and Public Buildings to purchase such Lands for the Purposes aforesaid: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Deposit of Plans and Books of Reference descriptive of Site.

Preliminary.

Short Title of Act.

1. This Act may be cited for all Purposes as "The Public Offices Act, 1865."

Incorporation of Commissioners.

Incorporation of Commissioners of Works for Purposes of Act.

2. The Commissioners of Her Majesty's Works and Public Buildings for the Time being herein-after referred to as "the Commissioners," as incorporated for the Purposes of the aforesaid Acts, shall be and continue so incorporated for the Purposes of this Act, with Power to hold Lands for the Purposes and subject to the Provisions of this Act.

Acquisition of Site.

Description of Purposes of Act.

3. The Purposes of this Act are the Acquisition of additional Lands for the Site of the Public Offices aforesaid and the Approaches thereto, and the constructing and doing such Works and Things as are conducive to the Attainment of the above Purposes, or any of them or incidental thereto.

Power of Commissioners to purchase Lands.

4. The Commissioners may, out of any Monies placed at their Disposal by Parliament for that Object, purchase, take, and use for the Purposes of this Act all or any of the prescribed Lands.

Commissioners to make good to Parishes of St. Margaret and

5. And whereas by the Forty-eighth Section of the said Public Offices Extension Act, 1859, after reciting that by reason of taking the Lands mentioned in the Schedule to the said Act, and for the Purposes thereof, there might be Deficiencies in the Produce of the Assessments

Assessments for the Relief of the Poor, and making certain Payments directed by Act of Parliament to be made out of the Poor's Rate, as also in the Produce of other Assessments directed to be raised and levied on the Persons, and in respect of the Property by Law rateable to the Relief of the Poor of the Parishes of Saint Margaret and Saint John the Evangelist, Westminster; and reciting that the Rates of the said Parishes had been mortgaged, and were then charged with and subject to the Repayment of certain Sums amounting in the aggregate to Thirty-five thousand four hundred and three Pounds or thereabouts Principal Money, with Interest thereon, and which Charges it was calculated would be wholly paid off on or before the Twenty-fifth Day of December One thousand eight hundred and seventy-three; and that it was expedient that Provision should be made for a Contribution for a limited Time by the said Commissioners in aid of the Poor Rates and other Rates to be raised and levied as therein-before mentioned; it was enacted that the said Commissioners should, from and after the Twenty-ninth Day of September One thousand eight hundred and fifty-nine, yearly and every Year until the Twenty-ninth Day of September One thousand eight hundred and seventy-three, by and out such Monies as Parliament might from Time to Time place at their Disposal for that Purpose, pay and make good in manner therein mentioned to the said Parishes such Sum or Sums of Money, not exceeding the Sum of Four hundred Pounds per Annum, as should be deficient in respect of the said Rates by reason or means of taking the Land mentioned in the Schedule to the said Act for the Purposes thereof, such Deficiencies to be calculated and ascertained with reference to the Sum of Three hundred and seventy-five Pounds, being the Amount actually collected for and in respect of such Rates made in the Year One thousand eight hundred and fifty-eight in respect of Houses and Buildings which might be shut up or taken down, or of Ground taken and used by the Commissioners for the Purposes of the said Act of 1859: And by the Forty-ninth Section of the same Act it was provided that the First Payment in respect of such Deficiencies should be made on the Twenty-ninth Day of September One thousand eight hundred and sixty: And whereas by the said Supplemental Public Offices Extension Act, 1861, it was enacted, that in consideration of the additional Land to be taken under the Powers of that Act the maximum Sum of Four hundred Pounds per Annum, payable as in the said Act of 1859 was mentioned for making up such Deficiency as aforesaid, should be increased to a Sum not exceeding Five hundred and twenty Pounds per Annum, and the annual Amount with reference to which such

St. John the Evangelist Deficiencies in Rates.

Deficiencies were to be calculated and ascertained as in the said Act of 1859 mentioned, should be the Sum of Four hundred and ninety-eight Pounds in lieu of the Sum of Three hundred and seventy-five Pounds in the said Act of 1859 mentioned; and that the First Payment in respect of the Deficiencies arising by reason of or with reference to the Land comprised in the Act of 1861 now in recital should be made on the Twenty-ninth Day of September One thousand eight hundred and sixty-two: And whereas by the Act of the Twenty-seventh and Twenty-eighth Years of Her Majesty, Chapter Fifty-one, Parts of the Lands acquired under the Provisions of the Acts mentioned in the Preamble to this Act were transferred to and vested in Her Majesty, Her Heirs and Successors, for the Service of the Government of India; and it was thereby enacted, that such Lands when so vested in Her Majesty should be and continue liable to the Payment of Eleven Thirty-fifth Parts of all the Parochial Rates and Taxes to which the Entirety of the Land acquired by the said Commissioners as aforesaid was or should be by Law subject and liable: Now be it enacted, That in consideration of the additional Land to be taken under the Provisions of this Act the maximum Sum of Five hundred and twenty Pounds per Annum, payable as in the said Acts of 1859 and 1861 is mentioned for making up such Deficiency as aforesaid, shall be increased to a Sum not exceeding Six hundred and seventy-seven Pounds per Annum; and the annual Amount with reference to which such Deficiencies shall be calculated and ascertained as in the said Act of 1859 is mentioned shall be the Sum of Six hundred and fifty four Pounds in lieu of the Sum of Four hundred and ninety-eight Pounds in the said Act of 1861 mentioned; and the First Payment in respect of the Deficiencies arising by reason of or with reference to the Lands to be taken under the Provisions of this Act shall be made on the Twenty-ninth Day of September One thousand eight hundred and sixty-six: Provided always, that this Extension shall not increase the Sums payable by Her Majesty, Her Heirs or Successors, as aforesaid in respect of the Lands vested in Her by the said Act of the Twenty-seventh and Twenty-eighth Years of Her Majesty, Chapter Fifty-one.

Power of Commissioners to enter upon Lands.

6. The Commissioners, their Surveyors, Officers, and Workmen, may at all reasonable Times in the Daytime, upon giving Twenty-four Hours previous Notice in Writing, enter into and upon any of the prescribed Lands for the Purpose of surveying or valuing the same.

Incorporation of Lands Clauses Act.

7. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, except

except as hereby expressly varied, be incorporated with this Act; but,

(1.) There shall not be incorporated with this Act the Sections and Provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned; that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; Section Seventeen, whereby it is provided that the Certificate of the Justices shall be Evidence that the Capital has been subscribed; or the Provisions relating to affording Access to the Special Act:

(2.) In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the "Special Act," and the Commissioners shall be deemed to be "the Promoters of the Undertaking":

(3.) The Term "Sheriff" used in the Provisions of the "Lands Clauses Consolidation Act, 1845," relating to the Reference to a Jury, shall be deemed to apply to the High Bailiff of the City and Liberty of Westminster or his Deputy:

(4.) The Bond required by Section Eighty-five of "The Lands Clauses Consolidation Act, 1845," shall be under the Common Seal of the Commissioners, and shall be sufficient without the Addition of the Sureties in the said Section mentioned.

Extinction of Rights of Way and other Easements.

8. Upon the Purchase by the Commissioners of the prescribed Lands or any Part thereof (save as herein-after provided), all Rights of Way, Rights of laying down or of continuing any Pipes, Sewers, or Drains on, through, or under such Lands or Part thereof, and all other Rights or Easements in or relating to such Land or Part thereof, shall be extinguished, and all the Soil of such Ways, and the Property in the Pipes, Sewers, or Drains, shall vest in the Commissioners, subject to this Provision, that all Persons and Bodies of Persons, corporate or unincorporate, may recover from the Commissioners such Compensation, if any, as they may be entitled to for any Rights or Property of which they may be deprived in pursuance of this Section, the Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

As to Claims for Compensation by yearly Tenants.

9. All Claims for Compensation made upon the Commissioners under the Provisions of this Act, or any Act incorporated herewith shall, if the Person claiming to be entitled to Compensation has no greater Interest than as Tenant for a Year or from Year to Year in the Lands in respect of which the Compensation is claimed, be deter-

determined in manner provided by the One hundred and twenty-first Section of "The Lands Clauses Consolidation Act, 1845."

Limit of Time for compulsory Purchase of Land.

10. The Limit for the compulsory Purchase of Lands under this Act shall be Five Years.

Powers of Commissioners to execute Works.

11. The Commissioners may pull down and remove any Buildings on the prescribed Lands, and may construct thereon such Buildings and Works, and do all such other Things as may in their Opinion be necessary or expedient in order to carry into effect the Purposes of this Act, or any of them.

Saving Rights of the Metropolitan Board of Works.

12. Nothing in this Act shall extend to take away or impair any Rights or Jurisdiction of the Metropolitan Board of Works in relation to any Sewers, Drains, or Watercourses.

Exemption from Building Act.

13. All Buildings erected on the prescribed Lands shall be exempt from the Operation of the First Part of "The Metropolitan Buildings Act, 1855."

Miscellaneous.

No Purchase to be without the Authority of the Treasury.

14. No Purchase shall be made by the Commissioners for the Purposes of this Act without the Consent in Writing of the Commissioners of Her Majesty's Treasury, but it shall not be necessary for any Vendor or any Purchaser from the said Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent, and any such Assent may be given either generally or for any particular Purchase or Purchases, as to the said Commissioners of the Treasury may seem meet.

Authentication of Notices.

15. Every Notice, Summons, Writ, or other Document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the Solicitor or Secretary for the Time being of the Commissioners, and need not be under the Common Seal of the Commissioners.

Land purchased to be vested in Commissioners for the Public Service, subject to Provisions of 15 & 16 Vict. c. 28.

16. All Land purchased by the Commissioners under the Authority of this Act shall be vested in them for the Public Service, and shall be subject to the Provisions of the Act of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

Contracts made by First Com-

17. All Contracts in Writing made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any

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of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid shall be valid, and shall be binding on the Commissioners, as if the same had been under their Corporate Seal. missioner of Works to be valid.

18. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General, or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt unstamped shall be a sufficient Discharge for the same to the Persons paying the same, and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners shall so direct. Monies payable to the Commissioners to be paid to Her Majesty's Paymaster General.

19. All Orders which under this Act the Court of Chancery is empowered to make on Motion or Petition in relation to any Money paid into the Bank of England with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, or the Costs of any Application, may be made by any Judge of the said Court upon Application to him while sitting at Chambers upon Summons, in like Manner as in other Cases in which Proceedings may be so had, subject nevertheless to any General Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court on any such Applications. Orders concerning Money paid into Court may be made at Chambers.

20. If any Person wilfully obstruct any Person acting under the Authority of the Commissioners in the lawful Exercise of the Powers vested in them under this Act, he shall forfeit a Sum not exceeding Five Pounds for every such Offence, to be recovered in a summary Manner. Penalty for obstructing Commissioners.

21. No Deed, Bond, or other Instrument made by, to, or with the Commissioners for any of the Purposes of this Act shall be subject to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments are specially charged therewith in such future Act. Deeds not liable to Stamp Duty.

22. Every Conveyance, Assignment, or other Deed or Instrument whereby any Land by this Act authorized to be purchased is conveyed or assigned to the Commissioners for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court Deeds to be enrolled in Court of Exchequer.

of Exchequer and entered in the Books of the said Commissioners, and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Plan to be deposited in the Office of Works, and to be open for Inspection.

23. A Copy of the Plan of the prescribed Lands shall be deposited at the Office of the Commissioners, and shall remain at the said Office to the end that all Persons may at all seasonable Times, on Payment of a Fee of One Shilling, have liberty to inspect the same.

Public Offices (Site and Approaches).

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[AS AMENDED BY THE SELECT COMMITTEE]

To enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing Street and the Approaches thereto.

(Prepared and brought in by Mr. Cowper and Sir Charles Wood.)

Ordered, by The House of Commons, *to be Printed,* 3 *April* 1865.

[Bill 99.] *Under* 1 *oz.*